

ALVMNVS BOOK FVND



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THE 'DECLINE
OF
THE ROMAN REPUBLIC.

BY
GEORGE LONG.

VOL. III.

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History Alumnus

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TO THE
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PREFACE.

SINCE the remarks on the Roman method of trying questions of bribery at elections were written (p. 205), a new way of settling these matters has been established in this country. If the new way is not perfect, it is certainly better than the old fashion, and it seems to be generally approved. Our present way of trying bribery questions by a single judge could never have been established at Rome; and perhaps there is no other country in which such an experiment would have succeeded. We have fortunately judges who are placed beyond the influence of those who hold political power, and are also elevated above the necessity of seeking popular favour.

Some persons, who look far into the future, see reasons for fearing that our prospects are not so hopeful as others think that they are, and all of us wish them to be. The best test of the social condition of a country is the possibility or impossibility of correcting political and social evils without violent revolution. Now it seems to us, who look back on the past, very difficult to conceive that any practicable reforms could have cured the political evils of the Roman State in the time of Cicero and Caesar; for the mischief lay among the rich and noble even more than among the poor. The poor had the power in name by virtue of the annual elections;

but the rich and noble had it in reality. There are indications that there were a few honest men even in those days (p. 206); but they were few in the Senate, and very few among the money-making class. We are more fortunate than the Romans. We have many good men in all classes and conditions of life, and enough at present to keep in check the bad part of the community, which is however a very formidable body, and a vigorous hand is now required to bridle the fraud, the corruption and the violence of which we have daily evidence. But it is a good sign of stability and order when a single judge can go down to a great town to inquire into the behaviour of candidates for the House of Commons, their election agents, and the electors, hear evidence, give his judgment unbiassed by fear or any unworthy motive, and retire amidst the applause even of those to whom his judgment is adverse.

In another place (p. 470) there are some remarks on the tolls or duties which obstructed commerce in Italy and Gallia. We are not yet free from these impositions, though we profess the doctrines of free trade. In Brighton for instance a toll of two shillings and six pence a ton is levied on all coals good and bad which enter within the municipal limits of the town, while other parts of the town not included within these limits are exempt from the duty. Taxes are also levied generally on vehicles drawn by horses for the carriage of persons, and even on the carriage of passengers on railroads. Since the remarks made in p. 470 were written the Chancellor of the Exchequer (1869) has removed or diminished some of these impositions; but the evil is not yet cured.

I have something to say which is suggested by experience on the way of making a book such as this. The writer, if he does his duty, looks at all the authorities, interprets them as well as he can, and combines all the evidence into the form of a narrative of events. His reflections, if he makes any, should clearly appear to be what they are; and they should

not be mixed with the facts which he undertakes to present to the reader. But there are two difficulties which the writer will encounter. He may sometimes misunderstand or misrepresent his authorities, even when there is no ambiguity in them. This is one of the dangers to which all writers are exposed. The other difficulty arises from the obscurity or ambiguity of the antient authorities, and it occurs much more frequently than a person would suppose who has not had experience of it. The best way of meeting these difficulties is to submit the manuscript or the proof sheets to some careful reader and competent judge.

It is only lately that I have found a friend willing and able to undertake this labour, the Rev. J. H. Backhouse, of Felstead Grammar School in Essex. His revision began with page 177 of this volume. When I speak of revision, it might be understood to mean nothing more than reading the proofs carefully. But Mr. Backhouse's revision has been something very different. He has turned to all the authorities which I have cited and even to those which I have not cited: he has examined them carefully, and wherever he found any error or any thing on which he disagreed with me, he sent me his remarks. Such a revision from a careful reader and an exact critic has been very useful. Mr. Backhouse and I have not always agreed about the interpretation of the antient authorities; and in the cases where I have retained my own opinion, the fault is mine, if I have made any mistake.

In this volume I have of course used very largely the evidence of Cicero's orations and his letters. I have long known, and I now know it still better, that Cicero's orations are very doubtful evidence for historical facts. Many, perhaps most of these speeches, or even all of them, were published after the delivery, and with alterations and embellishments. It is possible, and indeed very probable, that some of these speeches bear very little resemblance to the speeches which were delivered. Nor can we value them more highly as

evidence, because they were written out for the purpose of publication. Cicero was not careful about facts, nor was he a scrupulous observer of truth. A vain man is never veracious, and we can sometimes show that Cicero's alleged facts are not true. We learn his character best from his own letters, which are the strongest evidence that we have against him. If in this volume both he and C. Caesar often appear in an unfavourable light, the fault is in the facts, for I have had no inclination to depreciate either of them, nor have I exaggerated any of the evidence against them. We have nothing about Caesar from himself till we come to the Commentaries on the Gallic war; but Cicero's friends have preserved so much of his correspondence that we have ample means of estimating his character. A minute examination of a man's letters written during many years is certainly a severe kind of trial, almost as severe as if all that he had said was recorded and submitted to the inspection of an unfriendly critic. Few persons who have written many letters would come out of such an examination free from blame. Many of Cicero's letters present him to us in a pleasing aspect, as a man of taste, a lover of learning, and affectionate to his family and friends. It is the public side of his character that was feeble and often dishonest; but those who are much engaged in public affairs cannot always be honest; and if this is not an excuse, it is at least a fact.

G. L.

ROMAN CONSULS

FROM B.C. 71 TO B.C. 58.

(CLINTON'S FASTI.)

B.C.

- 71. P. Cornelius Lentulus.
Cn. Aufidius Orestes.
- 70. Cn. Pompeius Magnus.
M. Licinius Crassus.
- 69. Q. Hortensius.
Q. Caecilius Metellus.
- 68. L. Caecilius Metellus.
Q. Marcius Rex.
- 67. C. Calpurnius Piso.
M' Acilius Glabrio.
- 66. M' Aemilius Lepidus.
L. Volcatius Tullus.
- 65. L. Aurelius Cotta.
L. Manlius Torquatus.
- 64. L. Julius Caesar.

B.C.

- C. Marcius Figulus.
- 63. M. Tullius Cicero.
C. Antonius.
The birth of C. Octavius afterwards Caesar Augustus.
- 62. D. Junius Silanus.
L. Licinius Murena.
- 61. M. Pupius Piso Calpurnianus.
M. Valerius Messalla.
- 60. L. Afranius.
Q. Caecilius Metellus Celer.
- 59. C. Julius Caesar.
M. Calpurnius Bibulus.
- 58. L. Calpurnius Piso Caesoninus.
A. Gabinius.

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THE DECLINE
OF
THE ROMAN REPUBLIC.

CHAPTER I.

THE THIRD MITHRIDATIC WAR.

B.C. 78—72.

THE country between the Hadriatic and the Black Sea was always in a disturbed state through the wild tribes of the interior and the pirates on the Dalmatian coast. In B.C. 78, C. Cosconius, who was sent into Dalmatia, took the strong town of Salona after a long siege. About the same time, Appius Claudius Pulcher, the colleague of P. Servilius in B.C. 79 (vol. ii., p. 392), was sent into Macedonia as pro-consul. The barbarous nations which inhabited the mountainous regions between the north shores of the Aegean and the lower Danube were still disturbing the province. Sulla had reduced these robbers to submission before he crossed the Hellespont into Asia (vol. ii., p. 310), and Cn. Cornelius Dolabella had a triumph for some success which he had obtained over them (vol. ii., p. 444). But these savage mountaineers could not be kept quiet, and it was not Roman policy to attempt to civilize such enemies. Their extermination alone would ensure the tranquillity of Macedonia. Claudius was engaged in a conflict with the tribes which inhabited the mountain range named Rhodope. These men treated their captives with such inhuman barbarity, as we are told, that when they wanted a cup, they would cut off a prisoner's head, and while the hair was still on, the blood streaming down,

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and the brain imperfectly scooped out, they would use the skull as an ordinary drinking-vessel. Claudius endeavoured to drive these barbarians from the Macedonian frontiers, but owing to the difficulty of the enterprise and the hardships that he suffered, he fell ill and died. C. Scribonius Curio, one of the consuls of B.C. 76, was sent to succeed Claudius. Curio turned his arms against the Dardani, a wild people in the mountains on the north frontier of Macedonia. He penetrated as far as the Danube, and in less than three years reduced the natives to subjection, or rather to temporary submission, and his success was rewarded by a triumph.

In the consulship of Curio, Reate in the Sabine country was shaken by an earthquake, the stones with which the forum was paved were split asunder, the earth bellowed, bridges were broken down, and temples tumbled to the ground. A wondrous meteor was seen by the proconsul D. Junius Silanus and his attendants, and reported at Rome (vol. ii., p. 446). A spark seemed to descend from a star, and increased in magnitude as it approached the earth, until it was as big as the moon and made the night as light as a cloudy day. It then returned to the heavens in the form of a blazing torch. These wonders were perhaps the immediate cause of the Romans turning their attention to the restoration or completion of the Sibylline books, which had been destroyed in the conflagration of the Capitol during the civil war between Sulla and his enemies (vol. ii., p. 334), as it is sometimes said; but Lactantius (*De Falsa Religione* i. 6) following M. Varro states that after the restoration of the Capitol the number of the three Sibylline books, which Tarquinius Priscus bought of the Cumæan Sibyl, was increased by the Sibylline verses brought to Rome from various parts. The three ancient books had always been preserved with the most religious care, and entrusted to the guardianship of a body of men who held this high office for life and were exempted from all other political charges and duties. The books were only consulted under a resolution of the Senate, when civil commotion disturbed the State, or when some defeat in war had happened, or when strange and inexplicable events occurred. They were deposited in the

temple of Jupiter on the Capitol underground in a stone coffer, and the sacred treasure was placed at some time in the keeping of ten commissioners, afterwards increased, as it is said, by Sulla to fifteen. On this occasion, on the motion of the consul Curio, as Fenestella reports, the Senate sent three commissioners from Rome to collect Sibylline verses. The Roman books, as already observed, were kept secret, but verses of nine other Sibyls were in general circulation. The commissioners found some verses in the Italian cities, and others at Erythrae in Asia, where once lived a very wise Sibyl. The residence of the Sibyl, who sold the three books to Tarquinius Priscus, was Cumae on the coast of Campania, one of the oldest of the Greek colonies in Italy, and founded by the people of Cyme in Asia in conjunction with some Euboeans from Chalcis. As Sibylline verses were found in the possession of private persons, there were interpolations among them, as we might suppose. A great amount of these precious remains, about a thousand verses, was collected, and the ingenuity of the ecclesiastical authorities of Rome was exercised in separating the genuine from the false. The books which were burnt in the Capitol, if the story is true, were probably Greek writings. The new collection certainly was in Greek hexameters. Many of the verses named Sibylline are quoted by Lactantius to prove among other things that there is only one God. The Sibylline verses make a curious chapter in the history of superstition.

Lepidus had attempted to disturb the settlement made by Sulla, and the agitation was continued after his death. In B.C. 76 the tribune Cn. Sicinius, a man whose oratorical power, as Cicero says, went no farther than to make people laugh, stirred up the question of the restoration of the tribunician authority, but he was vigorously opposed by the consul Curio. The Romans had other more pressing work on hand than constitutional changes. Sertorius was still powerful in Spain, Macedonia was disturbed by the barbarians, and Mithridates was again threatening the Romans in Asia. However, in B.C. 75, in the consulship of L. Octavius and C. Aurelius Cotta, a law was enacted which allowed a man who had held the office of *tribunus plebis* to be eligible to

other magistracies, and so far the law of Sulla on the tribunate was repealed (vol. ii., p. 436). Cotta, who was the mover of this measure, was supported by the tribune Q. Opimius, and the bill was carried, though it was opposed by Q. Catulus and others of the aristocratical party. Affairs in the East in the meantime were tending to war. When Servilius had conquered the pirates, he left behind him a force in the province named Cilicia, and he was succeeded in B.C. 74 in the command by L. Octavius, one of the consuls of the year B.C. 75. In this year (B.C. 75) died Nicomedes III., the last king of Bithynia, and he left his kingdom to the Romans. The republic had already gained two kingdoms by the testamentary bequest of the last reigning kings, and had annexed the dominions to the Roman state. They had thus acquired the territories of the kings of Pergamum and formed their province Asia; and in Africa they now took possession of Cyrene, the alleged bequest of Apion. A third transaction of this kind looks suspicious. If the Romans intended to strengthen their eastern frontier, and finally to destroy the power of Mithridates, the acquisition of Bithynia was necessary for this purpose, and the occupation of it was equivalent to a declaration of war. Nicomedes, it was said, left no children, but Mithridates affirmed that he had a son by his wife Nysa. The veracity of the Pontic king cannot be trusted, but the assertion true or false gave him a sufficient pretext for beginning a third war with the Romans. We must now see how he had been preparing for the final struggle.

It was after the close of the second Mithridatic war, according to Appian's narrative, that the king of Pontus secured the possession of the little kingdom of Bosporus in the Taurica Chersonesus (Crimea), and made one of his sons, Machares, king or regent of this country. He also undertook an expedition against the Achaei, a barbarous people on the north-east side of the Black Sea under the mountains of the Caucasus. The Achaei and their neighbours were pirates, who infested the sea with small light-decked boats, and plundered both navigators and the inhabitants of the shores. The people of the Bosporus encouraged these robbers by

allowing them to visit the ports of the Crimea to sell their booty. As there were no harbours on the coasts of the Achæi, it was the practice of this people in the winter season to take the boats on their shoulders and place them in the woods in which they dwelt. On the return of the fine season, they again launched the boats and resumed their maritime industry. The barren soil at the foot of the Caucasus supplied the Achæi with a little food. These people were troublesome neighbours to the king of Pontus, who wished to increase his resources for a third contest with the Romans. But he found a war in the Caucasus as unprofitable as it has been found by modern experience, and he was compelled to retire after losing two-thirds of his forces through cold and the resistance of the natives.

When Sulla was in power, Mithridates sent ambassadors to Rome to obtain from him in writing the terms of the agreement between them (vol. ii., p. 313). Ariobarzanes also sent to complain that he had not recovered the whole of Cappadocia, and that the king of Pontus still held the greater part of it. Mithridates received an order from Rome to give up Cappadocia, which he did, but we must conclude that he received no answer to his application about a written treaty, for he sent another embassy to make the same request. Sulla was now dead (B.C. 78) and the ambassadors of Mithridates did not obtain an audience of the Senate. We may conclude that neither Sulla nor the Senate chose to be bound by any written terms, and that the Romans were waiting for an opportunity to be revenged on the cruel king who had massacred so many thousands of the Italians in Asia. Mithridates now persuaded his son-in-law Tigranes, king of Armenia, to invade Cappadocia, as if it were done by his own proper motion, but the trick was too plain to deceive any body. Tigranes "netted" the country, as the Greeks termed it, after the old Persian fashion, which Herodotus describes (vi. 31), and swept off three hundred thousand persons, which must have been a large part of the population. He settled these people with others at a place named Tigranocerta, which means the city of Tigranes, as Appian correctly interprets the word. This barbaric fashion of furnishing a new town with

people was an old oriental practice, of which there have been examples in modern times. The site of Tigranocerta is supposed by some geographers to be Sert, in thirty-eight degrees northern latitude, on a stream which flows into the Tigris. Strabo says in one passage that Tigranes settled his new town with the inhabitants of twelve Greek cities which were left desolate; and in another passage he mentions Mazaca, a town in central Cappadocia at the foot of the lofty mountain Argæus (Argish), as one of the places from which Tigranes drove the people to fill his new settlement. It appears from Strabo that many of the people of Mazaca must have been Greek.

About this time Mithridates sent his embassy to Sertorius to form an alliance in the West against the Romans (vol. ii., p. 473). At home he was actively employed in building ships and preparing arms and supplies. He got together 2,000,000 medimni of grain, which he deposited in different convenient places on the sea-coast. In addition to the forces which he had, he raised fresh men in the country of the Chalybes, and in Armenia, among the Scythians, the inhabitants of the Crimea, the Achæi and their neighbours the Heniochi, the Leucosyri or White Syrians of Asia Minor, and the people on the banks of the river Thermodon. He also sought recruits in Europe among the Sarmatian tribes of whom Appian names the Basilei, Iazyges, and the Coralli. The Iazyges and Basilei are placed by Strabo between the Borysthenes (Dnieper) and the lower Danube. The king had some Thracians also from the Danube, and from the range of Rhodope and the Haemus (Balkan), among whom were the Bastarnæ, the most warlike of the Thracians, for Appian assumes that the Bastarnæ were a Thracian tribe. It is probable that the disturbed state of the Roman province of Macedonia for some years past was the result of the intrigues of Mithridates and his missions among the native tribes on the frontiers. His whole force is variously estimated, but all authorities agree in making it considerably above 100,000 men; and he had four hundred ships of war. Taught by past experience, Mithridates got rid of the idle pomp and show which had formerly made his armies only a

rich prize for the enemy. He furnished his men with Roman swords and heavy shields, and endeavoured to discipline them in Roman fashion.

The kingdom of Bithynia was already in the possession of the Romans, and the Publicani or farmers of the taxes had sent their agents into the province. These unscrupulous men descended like harpies on this fair inheritance of the western republic, and had already made themselves odious to the Bithynians, who were anxious to get rid of them, and eagerly expecting the king of Pontus. In the spring of B.C. 74, after reviewing his fleet, Mithridates made a solemn sacrifice to the god of battles and plunged into the sea four white horses as an offering to Poseidon. His army then advanced towards Paphlagonia under the command of Taxiles and Hermocrates. On reaching this country Mithridates encouraged his men by speaking of the power to which he had raised the kingdom of Pontus, and reminding them, though it was not the fact, that he had never in person been defeated by a Roman army. He told them of the distracted condition of Italy and of the war in Spain; the Romans were so busy that they could not even clear the sea of the pirates; they were without an ally, and they had not, he said, a single subject state that was really attached to them. In fact the opportunity seemed most favourable for the king to drive the Romans out of Asia. But a man was sent against Mithridates who soon taught the proud king that he was no match for an able Roman general.

L. Licinius Lucullus was the son of the Lucullus who had been punished for his misconduct in the last servile war in Sicily (vol. ii., p. 84). Lucullus brought to trial his father's prosecutor the Augur Servilius on some charge which is not mentioned, and this memorable event first introduced the young man into notice. The trial of Servilius was made a party question, and some persons were wounded and killed in a riot on this occasion. However Servilius was acquitted. Lucullus served in the Marsic war and afterwards in Greece under Sulla, who sent him during the siege of Athens to look for ships in the East. His services on this mission have been already recorded (vol. ii., p. 310). Sulla left Lucullus in Asia

to look after the administration of the province, and he stayed there several years. He was not engaged in the second war against Mithridates, which L. Murena mismanaged, nor was he a witness of the cruelties which Sulla committed at Rome. During his absence he was elected Curule Aedile with his brother M. Lucullus, and the year in which he held this office was B.C. 79, for Pliny fixes it twenty years after the consulship of M. Antonius. The games of the two brothers were celebrated with great splendour, and the Romans were entertained with the grand spectacle of a fight between elephants and bulls. In B.C. 77 L. Lucullus was praetor, and during the next year he held the government of the Roman province Africa. In B.C. 74 he was consul with M. Aurelius Cotta, and both of them were eager to have a command in the war against Mithridates. Lucullus was afraid that Cn. Pompeius might gain this great prize, and it was for this reason that he exerted himself to induce the Senate to send reinforcements to Spain (vol. ii., p. 472). Before he left Rome he had to provide for the security of Sulla's settlement against the attacks upon it, which began with M. Lepidus and had never been interrupted. L. Quintius, one of the tribunes of this year, was following the example of Cn. Sicinius and agitating for the restoration of the old constitutional powers of the tribunes. Lucullus vigorously opposed Quintius in public, but he also adopted the more effectual means of private persuasion, and in some way he contrived to quiet him and stop the agitation for the present.

The provinces which had been assigned to the consuls of B.C. 74 were Gallia Cisalpina and Bithynia. Gallia fell by lot to L. Lucullus, and his colleague obtained Bithynia, which was the seat of war. Fortunately for Lucullus and for Rome at this time L. Octavius, consul B.C. 75, and now governor of Cilicia, died, and Lucullus intrigued to exchange his province of Gallia for Cilicia. This Roman province of Cilicia, as it has been already explained, did not comprise Cilicia, but it comprehended some parts of the peninsula north of Taurus, which bordered on Cappadocia, and he who held the province of Cilicia must come into conflict with Mithridates. Many men were eager to get this province, and

they courted P. Cethegus as the man who had most influence. Cethegus was a Roman of Patrician family, formerly a partisan of Marius, and one of the twelve who were proscribed during the tribunate of Sulpicius (vol. ii., p. 225). He afterwards made his peace with Sulla; and though he had a bad character, he was now one of the leading men in the State. Lucullus and Cethegus had not been on good terms formerly, but as it happens in political affairs Cethegus could now be useful, and Lucullus must stoop to gain his support. There was at Rome a woman named Precia, a courtesan who possessed great beauty and was well disposed to assist her friends by her interest with those who visited her, and so she became a person of great influence. Cethegus at this time was captivated by Precia and filled the place of her lover, or he was one of many, and so Precia ruled Cethegus, and Cethegus ruled the State, though we are not informed how such a man had attained this power. Instead of applying directly to Cethegus, Lucullus gained Precia by presents and flattery; and Precia, who was glad of an opportunity of showing what she could do, persuaded Cethegus to assist Lucullus. The consul thus obtained from the Senate the province of Cilicia and with it the command of the forces against Mithridates. His colleague Cotta had the command of a fleet for the protection of Bithynia. At the same time M. Antonius, a son of the great orator Antonius, received with the title of propraetor the command of a fleet, with unlimited powers for clearing the Mediterranean of pirates, who had again become troublesome. Cicero, who liked Lucullus, represents him as a man of great talent, and well versed in the learning of the Greeks, but when he was sent out to oppose Mithridates, there was not much expectation that he would distinguish himself as a soldier. He had shown courage, capacity and ability in administration, but he had not yet had the opportunity of proving that he was fit to command an army. Lucullus raised only a single legion in Italy. He found in Asia the two legions of Fimbria, which Sulla had left behind him, and two others. Appian estimates his whole force at thirty thousand foot soldiers and sixteen hundred horse. His first care was to bring back discipline among the two mutinous legions

of Fimbria and the other troops which had been spoiled by luxurious habits and living at free quarters.

The plan of the campaign against Mithridates was this. Cotta was ordered to fix himself at Chalcedon on the Thracian Bosphorus with his fleet, and Lucullus advanced into the interior to look for the enemy. In expectation of Cappadocia being attacked, Mithridates had left Diophantus with a force in that country to stop the progress of the Romans. Lucullus had not advanced farther than the river Sangarius in Galatia, when he heard of the defeat of Cotta. Mithridates had in nine days made a hasty march into Bithynia. His fleet on the voyage along the coast of the Black Sea under the command of Aristonicus came to the flourishing Greek settlement of Heraclea, and the admiral asked admission into the town. The citizens refused, but allowed him to buy supplies, and Aristonicus treacherously availed himself of the opportunity of seizing two of the principal citizens, and he would not give them up until the town had furnished him with five ships, and thus indirectly had declared itself hostile to the Romans. The agents of the Publicani were already making their hateful exactions in Heraclea, but the people under the leading of one of the most audacious citizens disposed of them so promptly and secretly that it was never known how they perished.

Plutarch informs us that though Cotta was told that Lucullus was in Phrygia on his advanced march, he hastened to engage in battle with Mithridates in order that Lucullus might have no share in his expected victory. This is a different story from what we may collect from other authorities; for the statement of Plutarch implies that Lucullus was on the road to aid Cotta. It appears however that Lucullus must have been advancing against Cappadocia and Pontus, for we cannot otherwise understand what he was doing in Phrygia, and we may reconcile the two stories in some degree by assuming that he turned back when he heard that Mithridates was besieging Cotta in Chalcedon. The Roman consul had sustained a defeat before Chalcedon, though, according to Appian, he did not venture into the field himself, but gave the command of the troops to his admiral, who is named Nudus. On the same day Mithridates with his vessels broke through

the iron chain which was stretched across the entrance of the port, fired four of the Roman ships and towed off the remaining sixty with all the men in them. Cotta lost several thousand men and was now besieged in Chalcedon.

The soldiers of Lucullus were eager to advance against Pontus, and vexed that Cotta by his want of prudence had put an obstacle in the way of seizing the head-quarters of Mithridates, while he was engaged in Bithynia. Archelaus too, who had formerly commanded for Mithridates in Greece and had now left him and joined the Romans, told Lucullus that if he would only show himself in Pontus, the country would submit; but Lucullus, who was of a noble and generous disposition, would not desert his colleague and his countrymen in the hour of danger, nor seek the empty dens of the wild beasts, as he said, instead of attacking them where he could find them. Accordingly he turned his face towards Bithynia, but at a place named Otryae in Phrygia he was met by the Roman renegade Varius (vol. ii., p. 474), whom Plutarch always names Marius, with a large force belonging to Mithridates. The two generals were preparing for battle when the sky opened and a huge body like a flame descended between the armies, and caused such alarm that they separated. Lucullus was not easy in the presence of a superior force, but he discovered from some prisoners that the enemy had only a few days' provisions in the camp, and he contrived to protract the time till the troops of Varius were compelled by hunger to retire, as we must infer from Plutarch's narrative, though it is very incomplete.

Mithridates hearing of the approach of Lucullus broke up his camp before Chalcedon, and taking advantage of a dark and rainy night, led his army towards Cyzicus, and placed it on the mainland at the base of the mountain range named Adrasteia, right opposite to Cyzicus. The site of this once flourishing Greek city is near the east end of a sandy isthmus which connects the southern part of the peninsula of Cyzicus with the mainland. This isthmus is above a mile long and less than half a mile wide. Cyzicus was in the time of Strabo one of the first cities of Asia in magnitude and beauty: it is now a heap of ruins among cherry orchards and vineyards,

and the remains are so confused and overgrown with vegetation that excavation only would enable us to understand the plan of the city. When Strabo wrote, this peninsula was still an island, as it was at the time of this siege, and connected with the continent by two bridges. The city was on the island near the bridges, and had two closed harbours, as the Greeks called them. The people of Cyzicus had helped the citizens of Chalcedon in their late struggle with Mithridates, and had lost three thousand men and ten ships. The king wished to punish the Cyzicenes, and this appears to have been his only reason for attacking this strong place; a fact which shows that he had the impotent rage of a barbarian and not the talents of a great commander, for he could not expect to take Cyzicus so long as the army of Lucullus was watching him.

The Roman general on coming up to Cyzicus encamped near Mithridates. He soon discovered that the large army of the enemy depended for supplies on their ships and their foraging, and he promised his men that they should see this mighty host defeated without a battle. Not far from the position of Mithridates there was a hill which commanded the country in the rear, and gave to him who possessed it the power of getting supplies from the interior of the mainland and excluding an enemy from them. Lucullus determined to seize this position. The approach to it was by a narrow pass, which by the advice of his generals Mithridates had occupied, but L. Magius, it is said, one of the Roman renegades in his army (vol. ii., p. 473), had persuaded the king to allow the Romans to encamp where they pleased. This fellow had obtained his pardon from Lucullus by promising to do him some service. The king was persuaded by the assurance of Magius that Fimbria's two legions, which notoriously consisted of desperate men, intended to desert to him; but no man in his senses could be taken in by so palpable a trick, for the two legions would not be more likely to join the king, because Lucullus had obtained a position which enabled him to confine his enemies between the mountains on the mainland and the sea, and shut them out from all supplies in their rear.

Cyzicus was situated partly on a flat, partly close to a

height which was named Bear Hill. It was well defended, and it had three great store-houses, one for arms, another for engines of war, and a third for grain, which was preserved from damage by being mixed with Chalcidic earth. A solitary hill named Dindymum rose above the city, and was crowned by a temple of Dindymene the mother of the gods. There was a suburb south of the bridges, which Mithridates took possession of, and crossing over into the island he began to blockade the city. He shut in the ports with a double wall, or lines of contravallation and circumvallation, dug a ditch round the rest of the city, raised mounds of earth against the walls, and prepared his military engines, among which was a huge tower, such as the Greeks named Helepolis (city-taker), a hundred cubits high, on which was mounted another tower from which the engines discharged stones and missiles. The king strengthened his lines by ten forts placed at intervals round the city. The mode of attack was in the Roman fashion, and no doubt was planned by some of the Roman renegades who were with Mithridates. At the harbours he placed a couple of war ships lashed together and supporting a tower, so contrived as to send out a bridge or roadway when the vessels were close to the wall. All being ready for the attack, he tried to frighten the citizens into surrendering by bringing up to the city in his ships three thousand Cyzicene prisoners, who stretched out their hands and entreated the besieged to have pity on them, but Pisistratus who commanded in Cyzicus called out to the prisoners from the wall and told them to endure their fate like men. We may conclude that all these prisoners were massacred.

The citizens were resolved to defend themselves, though they were much troubled at hearing nothing of Lucullus, and yet his army was in sight. But the men of Mithridates deceived them by pointing to the Roman camp on the heights and telling them that it was the force which Tigranes had sent to help the king. Archelaus at last contrived to send over to the city a man named Demonax, who informed the citizens that Lucullus was near. While they were doubting whether they should believe the good news, another messenger came from Lucullus. He sent a soldier, who was a good

swimmer, but he was aided by an ingenious device. The man took two inflated skins, in one of which a letter from the Roman general was sewed up. Two pieces of wood placed under the skins held them together, and the man mounted on this float and using his feet to propel it made his passage across the sea, a distance of seven miles. Those who were on the look-out and saw this strange sight at a distance took it for a sea monster.

Near the coast of the Propontis and below the lakes of Apollonia and Miletopolis was another large lake named Dascylitis, on which stood the city Dascyleium. This lake is navigable for large boats, and Lucullus seizing the largest that he could find, and putting it on a waggon conveyed it to the coast. He placed in the boat as many soldiers as it would hold, and the men crossed the sea by night unobserved and were received into the city. The aid was small, but it encouraged the Cyzicenes to continue their defence.

The king now brought up the great tower which was fixed on the ships, and attempted to throw his men on the walls by the flying bridge, but the design failed, and the townsmen pouring down blazing pitch on the ships compelled them to retire. On the same day the walls were assaulted on the land side with no better success. The townsmen broke off the heads of the rams with stones, or turned them aside by throwing ropes round them, or weakened the force of the blow by interposing bales of wool between the rams and the walls. Part of the wall was however burnt, whence we must conclude that some old breach had been hastily filled up with wood, or the Cyzicenes had raised their walls for the purpose of resisting the huge towers brought up against them.

Cyzicus was a city under the protection of Proserpina, whose festival was at hand. A black cow was due to the goddess on this solemn occasion, and as there was not such an animal within the walls, one of dough was made and placed on the altar. The real victim, which was fattening for the festival, was pasturing on the mainland with the other cattle of the Cyzicenes, which by singular good fortune had not been eaten either by the soldiers of Lucullus, or those of Mithridates who were sorely in need of food. This black cow

leaving the herd swam across to the harbour, dived under the chain that closed it, walked up to the temple and presented herself for sacrifice at the altar. The friends of Mithridates, who heard of this manifest evidence of the divine favour towards the Cyzicenes, advised him to give up the siege, but he still persisted. Another sign now came. The town clerk of Cyzicus, or the chief magistrate according to another version of the story, dreamed a dream. Proserpina appeared and said: I am come and I bring the Libyan fifer against the Pontic trumpeter. This mysterious announcement was explained by the event. At daybreak the sea began to be stirred by the wind, and the engines of the king, the contrivance of a renegade Thessalian named Nikonides, showed by their creaking and rattling what was coming. A Libyan or south-west wind descended on the city with incredible fury, shattered the engines and threw down the huge tower. Athena also appeared to some of the inhabitants of Ilium in their sleep, streaming with sweat and her robe rent: she said that she had just come from helping the Cyzicenes. As evidence of the truth of the story, the people of Ilium used to show a stone slab with an inscription on it which recorded this event. Thus truth and fiction were mixed up in the history of the siege of Cyzicus, and, as we see in the tales of modern superstition, evidence was not wanting to confirm what no sensible man can believe¹.

The king still persisted in the siege, though his counsellors advised him to withdraw from a city which was evidently protected by the gods. He began the construction of a huge mound from the hill Dindymum to the city, placed his towers on it, and mined the walls. It is probable that the king was deceived by some of his generals about the condition of his army, but he discovered at last that while he was wasting his strength against the city, Lucullus was destroying his men slowly and surely by famine. Taking advantage of the temporary absence of the Roman general, who was besieging a certain garrison, Mithridates sent off towards Bithynia the

¹ See Middleton's account of the recorded evidence of the Virgin of the Church of Impruneta near Florence. Letter from Rome, Prefatory Discourse, xlii.

starved horses and beasts which he did not want, and some of his infantry with them. Lucullus hearing of this movement returned to his camp in the night, and on the following morning set out in pursuit of the fugitives with ten cohorts and his cavalry. It was now winter, and the snow and cold disabled some of his men so that they could not continue the march. However Lucullus with the remainder of his forces came up with the enemy at the banks of the river Rhyndacus. A large number of the Asiatics were slaughtered, and the women from the neighbouring town of Apollonia stripped the dead and carried off a rich plunder. Lucullus brought to his camp in sight of Mithridates fifteen thousand prisoners, six thousand horses, and a great number of beasts of burden. As no Roman general encumbered himself with prisoners, Lucullus would sell them after the fashion of his countrymen to the dealers who always followed a Roman army.

About the same time Eumachus, one of the generals of Mithridates, overran Phrygia, where he massacred many Italians, who were settled there with their wives and children. He also attempted to bring over to the king's side the Isauri, the Pisidians, and Cilicia; but we may certainly assume that he did not cross the mountains into Cilicia Proper, though he seems to have made a diversion in the Roman province of Cilicia for the purpose of relieving Mithridates. When Eumachus reached Galatia, one of the tetrarchs named Deiotarus stopped his advance and destroyed a large part of his force.

It was now winter and Mithridates could no longer receive his supplies by sea. His men were wasting away with hunger and many of them died. Some devoured the carcasses of their comrades, and others kept themselves alive by eating such herbs as they could find. Pestilence from the unburied bodies was added to famine. The king still persisted in attempting to take the town by the embankment which he had made from Mount Dindymum to the city; but the Cyzicenes undermined his earthworks, burnt his engines, and encouraged by the starving condition of the enemy made frequent sallies and attacked them. It was early in B.C. 73 when Mithridates at last saw that he must escape or perish.

He embarked part of his men by night in the midst of horrible confusion. The soldiers crowded into the ships in disorder, every man being anxious to save his life. Some of the vessels were overloaded and sunk: others were capsized. The Cyzicenes seeing the enemy at their mercy came out of the city, killed all the sick who were left behind and plundered the camp. The king's fleet sailed for Parium in the west part of the Propontis, and the rest of the forces about thirty thousand were ordered to make their way by land to Lampsacus under the command of Hermaeus and Marius or Varius. Lucullus followed the fugitives whom he overtook on the banks of the river Aesepus, which was swollen by the winter rains. Those who escaped from the sword made their way to Lampsacus, where they were blockaded by the Romans. Thus the brave defence of Cyzicus and the prudence of Lucullus dispersed the mighty armament of Mithridates without a battle. The strength of the Pontic king was wasted before the walls of this city, and he never recovered from the blow which his own folly inflicted on him. The grateful Cyzicenes instituted a festival named after their deliverer, and it was celebrated, says Appian, even at the time when he wrote. The siege of Cyzicus began in B.C. 74 and was continued through the winter. It was ended by the withdrawal of Mithridates in B.C. 73.

Aristonicus the commander of the king's fleet had fallen into the hands of Lucullus, and, according to the narrative of Plutarch, before the king sailed for Parium. Mithridates intended to send Aristonicus into the Aegean with the view of drawing Lucullus in that direction before he ventured to raise the siege of Cyzicus, and Aristonicus was furnished with gold to corrupt the Roman army. However Aristonicus was betrayed to Lucullus. According to one authority he had attempted to gain the two legions of Fimbria. The purpose of the king's retreat to Parium appears to have been to secure the remnant of his army which we may assume to have marched towards Lampsacus because the road into Bithynia was barred by Lucullus. The king took from Lampsacus, while it was still blockaded by the Romans, the men who had fled there, and with them the citizens of the town. Fifty of his

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ships with ten thousand picked men were despatched to cruise in the Aegean under the command of the renegade Varius, Alexander the Paphlagonian, and a eunuch named Dionysius. Mithridates himself, according to Memnon, crossed over to the north side of the Propontis, and attempted to take the city of Perinthus, which was built on high ground, on the narrow neck of a small peninsula. The king probably thought that he could maintain himself on the Propontis and prevent the Romans from advancing into his kingdom of Pontus, if he could seize this strong position, which would place him near his Thracian and other European allies. But he made another mistake here; and being compelled to retire he sailed to Nicomedeia (Ismid) the capital of Bithynia, on the gulf of Astacus in the east part of the Propontis.

Lucullus having heard that thirteen of the enemy's vessels had been seen near a port on the coast of Troas and moving towards Lemnos, went in pursuit of them. He took the thirteen vessels, and their commander Isidorus was killed. •Lucullus found the rest of the fleet under Varius, Alexander and Dionysius close to the shore of a desert island near Lemnos, and he attempted to draw them out to a fight on the open sea. As they would not stir, Lucullus landed some of his men on another part of the island, who coming in the rear of the enemy compelled them to move from their position. The commanders of Mithridates did not venture out to sea, and being attacked by Lucullus in front and by the Romans on the island in the rear, they were slaughtered in great numbers and totally routed. Varius, Alexander and Dionysius escaped to a cave where they were made prisoners. Dionysius took poison, which he carried with him; Alexander was reserved for a Roman triumph. Lucullus had given his soldiers orders to kill no man who had only one eye, and Varius was a one-eyed man, for Lucullus intended to put this renegade to a shameful death. Varius was a Roman Senator, and as it would have been contrary to Roman notions to make him walk in a triumph, Lucullus could do nothing else than kill him. The news of the defeat of Mithridates was sent to the Roman Senate in a letter wreathed in bay according to usage, and Lucullus set out for Bithynia to follow up his success.

Before Lucullus left the Hellespont for the Aegean, he sent Valerius Triarius and Voconius Barba to Bithynia. Triarius landed at Apameia Myrleia on the gulf of Cius and stormed the town. The inhabitants fled to the temples, where many of them were massacred. Barba had been with his ships in the Aegean, and foolishly wasted his time in Samothrace, where he was initiated into the holy mysteries. However he took Prusa at the foot of Mount Olympus, and Cius, otherwise named Prusias, at the head of the gulf of Cius. Nicaea (Isnik) on the lake Ascanius fell easily into his hands, being evacuated by the soldiers of Mithridates who fled in the night to the king at Nicomedeia. Cotta, who appears to have remained at Chalcedon after his disgrace, now took courage and advanced towards Nicomedeia, but he prudently kept at some distance from the town till he was joined by Triarius. While the two generals were preparing to besiege Nicomedeia, Mithridates heard of the total defeat of his fleet in the Aegean, and knowing that he was now no match for the Romans on the sea, he shipped his men and made his escape through the Bosphorus into the Black Sea. The unlucky consul Cotta, if he still had any ships, must bear part of the blame of allowing the king to escape, for as he still held Chalcedon at the entrance of the Bosphorus, we may assume that the purpose of maintaining this position was to intercept the king's supplies and to prevent him sailing back into the Black Sea. Plutarch's narrative lays the blame on Voconius Barba, who was sent with a fleet for the purpose of watching Mithridates. There seems to have been some gross mismanagement in the matter, for if Mithridates had not got off by sea, he could hardly have safely retreated by land. The fleet which carried the king and the remnant of his troops, was shattered by a storm and sixty of the ships perished. The rest took refuge in the wide outlet of the river Hypius. The king's ship was so disabled that contrary to the advice of his friends he intrusted himself to the small vessel of Seleucus, a Greek pirate, who landed him safe. While he was wind-bound at the Hypius, the king by his agents negotiated with Lamachus, who was an old acquaintance and now the chief man in Heracleia, to admit him into the town. The

arguments of the king were strengthened by a handsome present, and he was let into the place. The king on his arrival addressed the citizens and exhorted them to be faithful to him; but to make more sure of their fidelity he left four thousand men in the town under a commander named Conna-corix, probably a Galatian chieftain. Before leaving Heracleia he distributed a good sum of money among the citizens. Those who held office of course got most. From Heracleia he sailed along the coast to Sinope and thence to Amisus. His mighty armament was destroyed or scattered, and he was now compelled to fight for his kingdom and his life.

In the summer of B.C. 73 Lucullus joined Triarius and Cotta in Nicomedeia. The Senate at Rome were going to vote three thousand talents to equip a navy and prosecute the war against Mithridates, but the letter of Lucullus in which he announced his victories, or some other letter, for the time cannot be fixed, stopped this preparation. Lucullus declared that with the aid of his Asiatic allies he would carry on the war without any help from Rome. When the news reached the Roman camp that Heracleia was in the possession of the king, it was determined that Cotta should advance to besiege the place. Mithridates had still ships in the Mediterranean, which had been sent to Crete on some mission, and also to Spain, as Memnon reports, to support the cause of Sertorius; for even if Mithridates knew that his ally in Spain was no longer able to make head against the Romans, he may have designed to give his enemies some employment in the West and prevent them from sending reinforcements to Lucullus. Triarius received the command of a fleet with instructions to lie in wait for the vessels of Mithridates, if they should enter the Hellespont. The king, who always showed more activity in collecting men and material than ability in using them, after reaching Amisus sent messengers to his son-in-law Tigranes and his son Machares in the Crimea with urgent demands for aid. Tigranes was in no humour to comply, but the importunity of his wife, the daughter of Mithridates, at last drove him to promise assistance. Mithridates also sent to the Scythians, probably the tribes on the north shore of the Black Sea, a man named Diocles with

money, of which the king seems always to have had a good supply, and presents to buy the aid of the barbarians; but the knavish Greek secured the money for himself by deserting to the Roman side.

Lucullus now advanced through Bithynia into Galatia. His means of transport being insufficient, he pressed into his service thirty thousand Galatians as porters, each of whom was compelled to carry on his back a medimnus (one bushel and a half) of wheat or about ninety pounds, which is about half that an ordinary pack animal would carry. The men would of course be fed on the grain that they carried, and the weight of a man's share of it would perhaps be less than a beast would require. When Lucullus reached the king's country he found abundance. The supply was so great in a land which had long been free from the ravages of war that the soldiers found more than they wanted, and traffic became busy in the camp. An ox was sold for a drachma, and a slave for four drachmae. Goats, sheep, clothing and other things were cheap in proportion. As to other articles they were valued so little that they were left behind or destroyed. The poor inhabitants were mercilessly plundered and paid dear for the folly of their king.

The soldiers of Lucullus however were dissatisfied. They expected to have the booty of the rich towns, where they would find gold and silver, which were more easy to carry off than the cattle and slaves of the open country; but the Roman general endeavoured to pacify his men by telling them that he wished to have another encounter with Mithridates in his own country and with his own forces, and not to drive him further into Asia, into the kingdom of Tigranes, who would thus be compelled to assist his father-in-law, and the Romans would have to contend against the most powerful of the Asiatic kings. However either to please his men or for some other purpose Lucullus undertook the siege of Amisus (Samsoun) on the coast of the Black Sea between the rivers Halys and Lycus; and he also attacked Eupatoria. There was a town of this name probably founded by Mithridates, and named after himself, at the junction of the rivers Iris and

Lycus. But Mithridates, according to Appian, built a place named Eupatoria near to Amisus, and made it a royal residence; and this is the town which Appian supposed that Lucullus besieged. According to Plutarch's chronology, the siege of Amisus was made by Lucullus in the winter which followed the winter siege of Cyzicus (Lucullus, c. 33). Lucullus also sent a detachment to blockade Themiscyra near the river Thermodon. The besiegers of Themiscyra constructed lofty towers and mounds of earth in order to get into the place over the walls, and they endeavoured to enter it below by making galleries so large that the assailants and the besieged fought in them. The townspeople however hit on a device that must have greatly perplexed their enemies. They sunk holes from above, and let down into the mines bears and other wild beasts and swarms of bees. The town of Amisus also held out bravely against the Romans, and Heracleia though it was cut off from all supplies by land received abundance by sea. Triarius, who had been sent with the Roman fleet into the Aegean, was completely successful: with seventy vessels he found the king's fleet of about eighty ships near Tenedos and completely defeated it. The maritime power of Mithridates, which he had laboured so much to build up, was now completely destroyed.

During the winter of B.C. 73—72 Mithridates was at Cabira, from whence he sent supplies, arms and men to Amisus, as we are told, but it is not easy to understand how this was done, unless the relief was despatched from some place on the coast, for Cabira was inland. Strabo, who was a native of Amasia in Pontus and well acquainted with the country, fixes the position of Cabira on the river Lycus. He describes it as lying at the base of the mountain range named Paryadres, and one hundred and fifty stadia south of the Eupatoria which was at the junction of the Iris and the Lycus. Cabira was a royal residence of Mithridates, and it contained a water-mill, and buildings for wild beasts; and in the vicinity there were hunting-grounds and mines. The country was rich and it produced wine and olives. Pompeius afterwards made Cabira a city and gave it the name Diopolis. Still later the name was changed to Sebaste.

There is now a place on the Lycus named Niksar, and it is supposed that Cabira was at or near this site, but the distance of Niksar twenty-seven miles from the position of Eupatoria does not agree with Strabo's statement, and Niksar instead of being south of Eupatoria is nearly due east of it. However it is possible that the modern Niksar may represent Neocaesarea, a town which, it is conjectured, was either at or near the site of Cabira. Mithridates had got together forty thousand men at Cabira and four thousand horsemen. As Cabira was so near to Eupatoria at the junction of the Lycus and Iris, it was not the place of that name which Lucullus was besieging; and besides, Strabo informs us that this Eupatoria was only a half-finished place when Pompeius some years later was in these parts. Lucullus did not push the siege of Amisus very vigorously, for he may have intended to induce Mithridates to come to its relief. However as the winter was passed and the king did not move, Lucullus in the spring of B.C. 72 went with three legions to look for him, leaving L. Murena with two legions before Amisus.

Mithridates had appointed a man named Phoenix, who belonged to the royal family, to watch the defiles through which Lucullus would pass, and to signify by fire-signals the approach of the enemy. Phoenix made the signals when Lucullus was advancing, but he also deserted to the Romans with his men. According to Plutarch, Mithridates did not wait for Lucullus in Cabira, but crossed the Lycus to meet him in the open country, for the king was superior to the Romans in cavalry. There was a fight between the horsemen of the king and of Lucullus, and the Romans were put to flight. Lucullus could not keep the plain, and he was afraid to advance into the hill country which was difficult for an army and covered with forests. Luckily he found a guide who undertook to lead him to a safe position where there was also a fort that commanded Cabira. At nightfall Lucullus left his fires burning and was conducted through the defiles to a place where the enemy could not attack him. Neither side at present wished to hazard a battle, but accident led to a skirmish in which the king's men had the advantage and the Romans fled before them. Their comrades who witnessed

this disgrace from the rampart of the camp urged the general to lead them out, but Lucullus was too prudent to allow an accident to bring on a general engagement which was no part of his plan. He went down into the plain and ordered the first of the fugitives whom he met to turn round and face the enemy. The men obeyed, the rest followed the example, drove back the men of Mithridates and pursued them to their camp. The punishment imposed by Lucullus on the fugitives was the digging of a trench in their loose jackets while the rest of the army looked on. In the cavalry fight a Roman of some note, named Pomponius by Plutarch, was wounded and taken prisoner to Mithridates. The king asked the Roman what return he would make if his life were spared, to which he replied "If you should become a friend of Lucullus, I will make a fit return, but if you should continue an enemy, I shall not even consider what I shall do." The king spared his prisoner, and left one generous act for the historians to record.

There was a Scythian prince in the Roman camp, a deserter from Mithridates. One story says that he had been some time with Lucullus and had done the Romans good service. According to the other version he passed over for the purpose of assassinating the general. However this may be, he was on the most intimate footing with Lucullus. One day when it was noontide heat, and the soldiers were lying in the open air and resting, the Scythian presented himself at the general's tent and said that he wished to see him. He was told that Lucullus was tired and was asleep, but he still persisted, alleging that his business was very urgent. As the guards refused to let him in, the Scythian stole out of the camp, mounted his horse and went back to Mithridates, either through fear that his design was suspected, or, as it is suggested, his pride was hurt because he was refused admittance. The real motive of such a barbarian is not easy to discover. If he came as an assassin, he was only attempting to do what Roman generals had already attempted against their enemies. The wonder is that Lucullus had given his confidence to such a man, if the story is true.

The operations which followed this attempt on the life of

Lucullus are very imperfectly recorded. The Roman general was in want of supplies and he attempted to obtain them from Cappadocia by sending over the mountains. A skirmish with the troops of Mithridates ended in a defeat of the Romans who saved themselves by flying to the hills. The king now thought that he should be able to starve out Lucullus, as he had been starved himself before Cyzicus, and for this purpose he placed the largest and best part of his cavalry to watch the defiles through which Lucullus must draw his supplies from Cappadocia. The king's forces under Menander attacked Sornatius either as he was going to or returning from Cappadocia, but the Romans inflicted on the enemy a decisive defeat and killed a great number of them.

The head of another foraging division under the command of M. Fabius Hadrianus was met by the cavalry of Mithridates in a narrow defile. The enemy was so impatient that he would not wait until all the Roman force had emerged into the open country, and the consequence was that on this rough ground the Pontic cavalry was unable to resist the disciplined Roman infantry, who drove some of them down the precipices and put the rest to flight with great slaughter. Fabius passed by the king's camp with all his supplies and reached Lucullus in safety. Mithridates heard of his defeat before it was known in the Roman camp, and fearing that he might be attacked after he had sustained so much loss he told his officers privately that he intended to retreat. Before the order was made known, and while it was dark, the superior officers anxious to save all their personal effects got their baggage beasts ready and placed on them all that they wished to carry off. There was a great crowding and confusion about the gates of the camp, and a panic seized the army. The soldiers maddened by fear broke out of their lines, attacked the king's servants, seized the baggage and massacred the men who had charge of it. Dorylaeus one of the generals of Mithridates lost his life in the press of the crowd, and the sacrificing priest of the army was trampled to death at the gates of the camp. The king made an unavailing attempt to stop the disorder, but nobody listened to him: he was obliged to hurry away on foot, and he might have perished, if

he had not been seen among the fugitives by one of the eunuchs who gave him the horse on which he was mounted. Lucullus hearing of the enemy's retreat sent a large body of cavalry in pursuit, and he surrounded the camp with his infantry while those who were left behind were still busy packing up their little property. The general's orders to his men were to give no quarter, but the sight of so much gold and silver and precious vestments was too great a temptation, and they began to plunder instead of killing. The king himself was just on the point of being seized by the pursuers, when one of the mules which was carrying money was either overtaken or purposely left behind by the king's orders. While the men were plundering the treasure and fighting over it, Mithridates made his escape and reached Comana, now Gumenek, in Pontus on the river Iris, from which place he fled to his son-in-law Tigranes. Cabira and other strong places fell into the hands of Lucullus, who found in them great treasure, many kinsmen of the king and some Greeks, who had been long imprisoned and were now unexpectedly released from captivity. Among those who fell into the hands of Lucullus was a sister of Mithridates named Nyssa.

Mithridates had sent the rest of the women for safety to Pharnacia (Kerasunt) on the coast of Pontus. This place is situated on the extremity of a rocky promontory, which is now connected with the mainland by a low, wooded isthmus. We might conclude from the name that Pharnacia was founded by Pharnaces the grandfather of Mithridates Eupator, but it is more probable that it was an old Greek settlement to which Pharnaces gave his name, for the existing walls are built in the best Hellenic style. The king was afraid that the women might fall into the hands of the Romans, but he had provided against this misfortune. A eunuch named Bacchus or Bacchides was sent to Pharnacia, where two of the king's sisters Roxana and Statira, each about forty years of age and unmarried, and two of his wives, Berenice of Chios and the beautiful Monime (vol. ii., p. 268), were lodged for safety. Monime was very unhappy in her union with the barbaric king, and bewailed those charms which had given her a brutal master instead of a loving husband, and taken her

far from her home and friends. The eunuch was kind enough to give the women the choice of dying in what way they liked. Monime took the diadem from her head and hung herself with it, but as the linen broke, she cursed the useless rag, as she called it, which would not do her this last service, and presented her throat to the eunuch. Berenice took a cup of poison and gave part of it to her mother who was with her and wished to die with the daughter. The old woman drank sufficient to kill her, but Berenice had not taken enough, and as she was long in dying, she was strangled. Roxana also took poison and died cursing her brother. The other sister died with more spirit. She did not utter a word of complaint, but expressed her thanks to the king for thinking of her when his own life was in danger and saving her from slavery and insult.

Lucullus sent Marcus Pompeius, as Memnon names him, who pursued Mithridates as far as a place named Talaura from which the king made his escape into Armenia with two thousand horsemen. It has been conjectured that this Pompeius is the man whom Plutarch names Pomponius, the king's prisoner, and if this is so, the king must have set him at liberty. Lucullus then reduced to subjection the Chaldaei and Tibareni, tribes in Pontus, and returned to prosecute the siege of Amisus. The retreat of Mithridates into Armenia seems to have taken place in B.C. 72.

M. Antonius, whose business it was to assist in the Mithridatic war by clearing the sea of pirates (p. 9), made a disgraceful failure. He is charged with plundering in Sicily and other provinces, and was even suspected of sharing the booty of the pirates whom he was sent to extirpate. But this suspicion seems hardly consistent with the fact that Antonius complained to the Cretans of their having assisted the pirates, who infested the eastern parts of the Mediterranean, and having thus indirectly aided Mithridates against the Romans. Indeed the Cretans were also directly charged with sending mercenary troops to Mithridates. To the complaints of Antonius the Cretans returned a contemptuous answer, and the Roman commander commenced hostilities against them. But though Antonius was supported by some of the Roman

allies, he sustained a defeat, and lost part of his fleet. A passage in Florus (iii. 7) adds that the Cretans hung their captives on the sails and rigging of the ships, and thus triumphantly entered the ports of the island. A fragment of Sallust's Histories is supposed by Graevius to confirm the statement of Florus. After this loss Antonius was compelled to make terms with the Cretans. He died before he returned to Italy, leaving a bad name behind him. If he had not been unsuccessful, we might have had a better report of him from Cicero. The cognomen Creticus was given him as a sarcastic memorial of a short campaign which ended ingloriously.

CHAPTER II.

SPARTACUS.

B.C. 73—71.

THE consuls of B.C. 73 were C. Cassius Longinus and M. Terentius Licinianus Varro, the brother of L. Licinius Lucullus consul B.C. 74. Marcus had been adopted by M. Terentius Varro, and according to Roman practice he took the name of his adoptive father. Marcus Lucullus gained a victory in the service of Sulla during the civil war after Sulla's return from Greece (vol. ii., p. 348). In B.C. 76 he was praetor (vol. ii., p. 445).

In B.C. 73 there was scarcity at Rome and it was necessary to do something to keep the people quiet. Sicily was at this time the great granary of Rome, and the Senate under the authority of a law enacted in this year and named *Terentia et Cassia*, laid out the sum of near 12,000,000 sesterii or above 90,000*l.* on corn. This expenditure was repeated in the two following years. The grain which was purchased was bought at two different prices, part of it at three sesterii the modius, and part at three sesterii and a half. The price at which it was sold at Rome was six asses and a third the modius, or about half cost price. (Asconius in Pis. p. 9. ed. Orelli.) The Romans bought the grain at their own price, for the law fixed the sum at which the Sicilians were bound to deliver it. If we add to the price paid in Sicily the cost of the transport of the grain to Rome, the annual loss to the State was a large sum, and this at a time when the treasury was impoverished. During these three years C. Verres was governor of Sicily, and he is charged by Cicero with misappropriating and em-

bezzling the money with which he was intrusted for the purpose of buying grain for the supply of Rome.

Before the close of his consulship, as it seems probable, M. Lucullus left Rome for his province of Macedonia, the borders of which were continually harrassed by the barbarians, or the Romans made their alleged incursions a pretext for war. Lucullus led his men against the Bessi, who occupied a large part of the mountain range of Haemus (the Balkan) and after defeating them in a great battle he took two of their towns. The cruelty, which the Romans practised on these mountain tribes, was supposed to be a just retaliation for the excesses of the savages. Fire and the sword devastated the country of the Bessi. The men, who were taken prisoners, had their hands cut off, and were left to survive as they could in this wretched condition, living monuments of the barbarity of the Roman commander. Lucullus crossed the Balkan and descended to the Danube. He then turned eastward and attacked many of the towns on the west side of the Euxine, among which were Apollonia, Callatis, Parthenopolis, Tomi and others. Apollonia (Sizeboli) was a Greek colony from Miletus and principally built on a small island near the coast. Lucullus took from the temple of Apollonia a colossal statue of Apollo, thirty cubits high, the work of the famous sculptor Calamis, and carried it to Rome where it was placed in the Capitol¹. When we connect the operations of M. Lucullus with the events which were taking place before Cyzicus at the end of B.C. 73 and in the first part of B.C. 72, we see clearly that he was cooperating with his brother Lucius, and thus we understand, what would otherwise be unintelligible, why he attacked the Greek towns between the mouth of the Danube and the entrance of the channel of Constantinople. Mithridates in his ambitious designs attempted to rouse the nations between the Aegean and the Danube against the Romans, and pursuant to the policy, which he had followed with some success in the Crimea and on the south

¹ Sillig, *Catalogus Artificum*, says that the statue was brought from Apollonia on the Hadriatic, an error which, as it occurs in a useful book, is perhaps worth correcting. Pliny reports that this statue cost the Apolloniatae five hundred talents.

coast of the Black Sea, he would try to gain the Greek settlements south of the Danube, or to keep them neutral at least if he could not make them join him. Thus the campaign of M. Lucullus on the shores of the Black Sea becomes an important historical fact in the Mithridatic war, and perhaps we may conclude from the attack on these Greek settlements that they had declared themselves on the side of the king. The miserable epitomist Florus, who never understands what he is writing about, informs us that M. Lucullus carried the Roman arms as far as the sea of Azoff and the river Don. M. Lucullus had a triumph for his victories. He returned to Italy in B.C. 71, and on landing at Brundisium he found his countrymen maintaining a desperate struggle against an insurrection begun by a small body of gladiators.

Nicolaus of Damascus affirms that the Romans learned from the Etruscans the practice of using gladiators. The remote origin of this usage is supposed to have been founded on the belief that the souls of the dead were pleased with human blood and accordingly captives were slaughtered at the funerals of distinguished persons. In the course of time instead of sacrificing victims it became the fashion to compel men to fight at the tomb of the deceased and to kill one another. Thus the belief in a future life was connected with a savage delusion. It was perhaps not from any feelings of humanity that these combats were substituted for sacrifices, but to make amusement for the spectators, as Tertullian acutely conjectures. In Homer's story Achilles massacres twelve Trojan prisoners at the tomb of Patroclus. Herodotus (iv. 71) speaks of a Scythian tribe who on the occasion of a king's death strangled and laid in the same grave with him one of his concubines, his cupbearer, cook, groom and other servants. This was a religious ceremony. He also mentions a Thracian tribe (v. 5) among whom polygamy existed, and when the husband died, there was a great contention among the women for the honour of being buried with him. She who was judged to have been most loved received the congratulations of the men and women, and enjoyed the felicity of having her throat cut over the tomb by her nearest relative. The surviving wives lamented their disgrace, but she who

had died was rewarded with the company of her husband in another life.

The first exhibition of gladiatorial combats at Rome is said to have been in the consulship of Appius Claudius and M. Fulvius, when two brothers M. and D. Brutus honoured the funeral of their father by a fight of gladiators in the cow market (B.C. 264). Livy records other instances after this time. That which was originally done in honour of illustrious dead became a fashion, and rich men by their testaments would leave sums of money for works of public utility, and at the same time for exhibitions of gladiators at their funeral, which in their view were acts of piety.

The Campanians are charged with setting the fashion of having fights of gladiators at banquets to amuse the guests. This people at an early period became rich and luxurious; and luxury is nearly allied to cruelty, for he whose appetite is dulled by enjoyment seeks for new excitement, and will have it at any cost, even if others should suffer for his pleasure. This disgraceful practice was introduced at Rome, at what time we are not told. When the guests had well eaten and drunk, the gladiators were called in, and while they slaughtered one another, the revellers clapped their hands with delight.

As gladiators were exhibited to please the people at great funerals, and such opportunities did not come often enough, it became the fashion to have fights on other occasions. Lipsius does not determine when combats of gladiators were introduced as a popular amusement at Rome, but he conjectures that it was about B.C. 154, and that the Aediles who had the care of the public games set the fashion. Whenever it began, it continued to the end of the Republic and under the Empire. Cicero says that nothing brought greater crowds together: the people preferred these shows to listening to speeches; and even the excitement of the elections, when money circulated freely in bribery, had less charms for a Roman than the spectacle of men killing one another. All classes were delighted with the savage amusement: they felt a frantic pleasure at the sight of human blood, and they were in ecstasies when the conquered gladiator resolutely received

the deathblow from his victorious adversary. The gladiator himself made it a point of honour to die like a man. These brutal exhibitions were both an indication and a cause of the ruin of the Roman state, for a people who can derive pleasure from the sufferings of others are corrupted past cure. Even Pliny the Younger, a wise and humane man, writing in the reign of Trajan to his friend Maximus commends him for exhibiting a fight of gladiators at Verona in honour of his deceased wife, who was a native of that city (Plin. Ep. vi. 34). The modern nation which has approached the nearest to Roman brutality is the English. The practice of cock-fighting and bull-baiting has been dropped, but prize-fighting still lingers, and it has perhaps done more to form that coarse and savage temper which characterizes a large number of Englishmen than any other cause except the use of strong and stupefying drinks. If a candidate for a large borough could entertain the worthy electors with a few prize-fights, he would gain the suffrages of some, but he would certainly make the best part of the population his enemies. This was not so at Rome. Cicero in his enactment against bribery at elections provided that a candidate for an office should not exhibit gladiators, unless in compliance with some testamentary disposition, for the space of two years next before being a candidate.

Gladiators were originally part of a man's household of slaves, and we find instances of their being trained in private houses even at the end of the Republic. Cicero's friend Atticus, a money-making man, bought a body of gladiators, who were reported to be excellent fighters, and Cicero speaks of the possible case of these gladiators being let out on hire. When this demand for gladiators had increased, men were trained in schools (*ludi*) by masters (*lanistae*). There were many training schools at Rome, and under the Empire persons of rank superintended these places with the title of *Procuratores Ludi*. The gladiators were brought into fighting condition by proper food and exercise, as boxers are now. Surgeons attended the schools to look after the health of these valuable men, and to cure wounds and other injuries which they might receive. Strabo says that in his

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time Ravenna being a very healthy place was made a school of gladiators. There was one at Capua in Caesar's time, when the civil war broke out, and this place contained in B.C. 73 a school, from which came a gladiator who gave the Romans a good deal of trouble. The schools were recruited by slaves bought for that purpose, and by prisoners, criminals, and male children who had been exposed by their parents.

The gladiator's business was to make amusement for a Roman holiday. When he was wounded and overpowered, his adversary killed him, unless he was saved by appealing to the spectators, but he would have little chance of being spared unless he had behaved like a man of spirit. Roman ferocity sometimes instituted games in which the spectators were assured of the highest entertainment by a notice that no lives would be spared, and that every man who fought must die. Cicero expresses the popular feeling when he says: We look with abhorrence on the gladiators who show a craven character and beg for their life, but we are eager to save those who are courageous and boldly meet death. The spectators thought that they were wronged, if the men did not die willingly, and the victor was compelled by the shouts and gestures of the multitude to kill his vanquished opponent. The carcasses of the dead were dragged out of the arena through a door appropriated to that purpose, and the floor was made ready for a fresh exhibition. Death only ended the career of a gladiator, unless he obtained his discharge for some great merit. Habit reconciles us almost to any thing, but we may collect from some slight notices that a few Romans were disgusted with these barbarous spectacles. Cicero remarks that gladiators' fights seem cruel and inhuman to some persons, and perhaps it may be so, as it is now practised; but when criminals were fighting, though the ears might perhaps receive a more instructive lesson in many ways, yet no sight could fortify the eyes better against pain and death. The younger Pliny (*Paneg.* c. 33) expresses nearly the same opinion when he says that the love of praise and the desire of victory, which were seen in slaves and criminals in the arena, move a spectator to despise death. The argument is this: if such mean wretches can show such desperate courage, a

Roman would not allow himself to be inferior to them. A people must have been in a wretched condition when the best men could express themselves in such terms.

During the wars between Sulla and the faction of Marius, and during the tyranny of Sulla and the feeble administration which followed his death, we have sufficient indications of the wretched state of Italy, which was filled with brigands, and men no less dangerous than brigands, the slaves on the lands of the great Roman proprietors. These slaves were used as means of ejecting from their property the owners whose lands were coveted by a neighbour. Cicero's fragmentary speech *Pro M. Tullio* gives us some insight into the social condition of Italy. This Tullius was in possession of land, the ownership of which was in dispute, and arrangements had been made for trying the question legally. But before the trial the opponent of Tullius sent upon the land a body of armed slaves, who killed some of the slaves of Tullius, wounded the rest and did great damage to the buildings. Tullius brought his action for quadruple damages, and Cicero was his advocate. The action of Tullius was founded on the edictum of M. Lucullus, whose praetorship was in B.C. 76 or 78, as some suppose. The object of this Edictum was to check acts of violence committed by slaves by making the owner responsible, whether he was privy to the acts or not, for it would be very difficult to fix the charge on the master. The shortest way then was to require no proof beyond evidence of the violence and damage and to make the master pay for it. With large bodies of slaves trained to arms for the amusement of the free people, and half savage shepherds and herdsmen, slaves also, accustomed to acts of lawless violence and a wild life on the mountains of the southern peninsula, no country police and a feeble administration at Rome, it was not surprising that murder, robbery and violence were ordinary occurrences. Sicily had twice given the Romans warning what their system of slavery might lead to, and Italy now felt the horrors of a servile insurrection.

A Roman named Lentulus had (B.C. 73) at Capua a school of gladiators, of whom the greater part were Thracians and Gauls. These men, who were intended to make amusement

at the games, were closely confined, but they determined to attempt their escape, and some seventy or more succeeded. They armed themselves with knives and spits from a cook's shop, and when they had left the town, they plundered on the road some waggons in which they found arms. They then fled to the mountains, where they were joined by many slaves and some free men, for the disturbances that had so long agitated Italy had produced then, just as in our days, a body of desperate fellows ready for insurrection and robbery. The insurgents chose for their leader a Thracian named Spartacus, a man of great strength and courage, and also of superior abilities. He had been in the Roman armies, probably pressed into the service during some of the campaigns of the governors of Macedonia; he deserted and turned brigand, and finally being caught he was made a slave and condemned to the vile office of a gladiator. Two other gladiators, both Gauls, named Crixus and Oenomaus by our authorities, commanded under Spartacus. The band occupied Mount Vesuvius which rises behind Naples, and was a convenient place for receiving such fugitives as would flock to them from the towns of Campania. Vesuvius was then an extinct volcano, well cultivated all round, except the summit, which was tolerably level, but quite barren and like a heap of ashes, as Strabo describes it, with great rifts of black rock which looked as if it had been eaten by flame. Accordingly the geographer conjectures that the mountain was once on fire and contained volcanic craters, but that the fires had ceased through want of materials.

On this mountain Spartacus and his men were blockaded by C. Claudius Pulcher, who was acting as the legatus of the praetor P. Varinius. Claudius had three thousand men with whom he took possession of the only ascent to the place on which the insurgents were encamped. On all other sides the face of the rocks was steep, and the escape of the gladiators appeared impossible. Luckily they found plenty of wild vines and shrubs, with which they constructed long ladders and thus safely descended the precipices without being seen by the Romans, whom they suddenly attacked, put to flight and took possession of their camp. Frontinus, who reports this stratagem, probably following Livy's authority, speaks of only

seventy-four gladiators routing several cohorts, but it seems more probable that the gladiators had been joined by others before they occupied Vesuvius. However after this success the gladiators were joined by the herdsmen who looked after the cattle on the Apennines, a hardy race of men inured to a wild life. The insurgents broke open the ergastula or places in which those slaves were lodged at night who were used to work in chains. These ergastula were constructed under ground with narrow openings to let in light, and these windows were placed so high that the slaves could not reach them. It was only such slaves as had misconducted themselves who were chained, and perhaps newly-purchased slaves who had not yet been broken in. The army of Spartacus now made shields of osiers intertwined and covered them with skins; and they forged the irons which they found in the ergastula into swords and javelin heads. Another Roman detachment under Furius which was sent by the praetor Varinius against the insurgents was defeated; and a third under Cossinius had the same fate, and Cossinius himself was killed. Varinius now tried what he could do, but he was routed by the enemy, and lost his fasces and his horse. These defeats of three Roman armies gave the insurgents fresh arms and stores, and they now scoured the country with impunity. Nola, Nuceria (Nocera) near Vesuvius, and other towns in the south of Italy fell into their hands; or we may suppose that the slave population in the south followed the example of the Capuan gladiators and rose to assert their liberty and satisfy their vengeance. The scanty notices of this terrible rising confirm what we might safely conjecture. Pillage, burning, murder and rape attended the steps of the savages who had broken their chains. Spartacus himself is said to have been of a mild temper, but if he had wished, he could not have controlled the barbarians who had now broken loose.

The praetor Varinius had failed to check the rising, and indeed it is reported that he sustained more than one defeat. We have however no history of the insurrection except fragments, which show how little we know about the events of this war. Frontinus records a stratagem of Spartacus against the proconsul P. Varinius, as he names this com-

mander. Varinius had on some occasion stopped up the road of Spartacus, who only escaped by the exercise of his ready wit. He fixed posts at moderate intervals in front of that gate of his camp which was turned towards the enemy, and then tied in an upright position to the posts the bodies of dead men dressed and armed, so that when fires were lighted the Romans at a distance would suppose that a strict watch was kept. In the night Spartacus silently took off all his men.

In B.C. 72 the consuls L. Gellius and Cn. Cornelius Lentulus Clodianus were sent against Spartacus and his bands. Spartacus is said to have formed a correct judgment of the state of affairs: he knew that such a force as he had stirred up could not finally prevail against the power of Rome, and he wished to lead his men to North Italy from whence they might make their way home over the mountains to Gaul, Thrace, and other parts. But there was division in the rebel councils, and Crixus with a large body of men who are called Germans by our authorities separated from Spartacus. These Germans, if they are rightly named, may have been the male children who were taken prisoners in the great battle at Vercellae (vol. ii., p. 73). The consul Gellius with the praetor Q. Arrius found Crixus in the mountainous peninsula named Garganus on the east coast at the head of thirty thousand men. Crixus made a desperate resistance against the attack of the Romans, but he lost his life, and two-thirds of his force perished. Spartacus was making his way through the Apennines with the intention of reaching the Alpine regions, when the consul Lentulus appeared in front of him, and Gellius followed in his rear. The brave gladiator attacked Lentulus first and defeated him. He then turned round on Gellius whom he also drove off. Spartacus celebrated his victories in Roman fashion. He compelled some of his prisoners to fight like gladiators at the funeral ceremony in honour of Crixus. According to Appian, Spartacus now intended to move on Rome with more than one hundred thousand men, and as he had got a great amount of plunder with him, he burnt what was useless, killed all his prisoners and slaughtered all his beasts in order to lighten his army. He would not now receive any deserters, though

they flocked to him in great numbers. Another battle, it is said, was fought between Spartacus and the consuls, in which the Romans again sustained a great defeat. But instead of continuing his march against Rome, Spartacus found that his ill-equipped army of slaves and rabble was not fit for such an undertaking, and he had not a single town which would give him any help. Indeed we might easily suppose that every fortified place would close its gates against such dangerous visitors. Accordingly he turned south and entered Lucania where he seized the heights about Thurii and the town itself, and by prudently allowing the merchants to carry on their trade he supplied himself with materials for continuing the war. A battle was fought in these parts also with the Romans, who as usual were defeated, and Spartacus got a large amount of booty.

Such is the narrative which Appian compiled from his authorities, and we may so far accept the evidence of the gladiator's enemies as to believe that the Romans were often disgracefully defeated by him, and that for some reason he transferred himself to Southern Italy, where he carried on the war until his final defeat. Plutarch indeed says that after the first defeat of the two consuls Spartacus attempted to force his way to the Alps, but he was met by C. Cassius, the pro-consul of Gallia Cisalpina, supported as Livy says, by the praetor Cn. Manlius and ten thousand men. Cassius was defeated by Spartacus near Mutina (Modena), and with difficulty escaped from the slaughter. Now if Spartacus really wished to lead his men out of Italy, the road was open after he had gained this victory at Mutina. If then Plutarch's narrative is true, Spartacus after his last success may have been compelled by his own men to turn back, and they in their ignorance might have thought that they could take Rome. However their leader knew better, and we must suppose that after the affair of Mutina he led his men unwillingly to South Italy, in which we know that the struggle was continued. It seems probable, as it will appear, that Spartacus had an eye to Sicily, a country where he would find better supplies than in Italy, and where the slaves had twice already made a vigorous resistance to the arms of Rome.

The consuls of B.C. 72 had failed to check Spartacus, and they were superseded by the Senate for their incapacity. The praetor M. Licinius Crassus was appointed to the command, which he retained in the following year in the consulship of P. Cornelius Lentulus and Cn. Aufidius Orestes. Crassus had served in Sulla's Italian campaign against the party of Marius. He received six legions, and he had also two legions which had already been opposed to Spartacus. This great preparation shows that the Romans now thought the insurrection a serious affair, though they had viewed it at first as a light matter. Crassus placed himself in the territory of the Picentini on the borders of Lucania, in which country the enemy was moving about, and Mummius a legatus was sent with two legions to watch the enemy, but with orders not to fight. However Mummius did fight a battle, was defeated and returned in disgrace to his general. In order to restore discipline Crassus took five hundred, probably a whole cohort, of the soldiers of Mummius, who had set the example of flight, and dividing them into tens, he put to death one man in every ten who was selected by lot. This severe punishment, it is said, made the men fear Crassus more than they feared the rebels. Another version of the story, which is less probable, states that Crassus on taking the command decimated the soldiers of Lentulus and Gellius. It was also said that the decimation was not confined to the division of Mummius, but that the whole army was defeated by Spartacus, and that Crassus decimated the eight legions and butchered four thousand of his own men, a statement which nobody will believe. Any fact is always sufficient to be made the foundation of an extravagant fiction.

Appian reports that Crassus now fell on ten thousand of the men of Spartacus, who were encamped by themselves and cut off two-thirds of them. However this may be, the gladiator retreated southwards through Lucania to the Straits, where he found some Cilician pirates, with whom he bargained to convey two thousand men into Sicily, his design being to stir up a third servile war in that island. The Cilicians agreed, it is said, to the terms and received the presents of Spartacus, but sailed off and left him. This again is not

very probable, but we may accept the narrative so far as to believe that Spartacus attempted to carry over his men into Sicily, and Cicero informs us that he was prevented by Crassus. It is impossible to suppose that the Romans had not a few ships ready to stop the slaves in their passage over the Straits. Indeed this would have been the duty and within the power of the governor of Sicily, but the governor was C. Verres, and Cicero charges him with remaining inactive at this critical time. Spartacus was now pushed to the extremity of the peninsula: he could not escape by sea and Crassus being determined to prevent his escape by land began one of those great works with the spade, which we often read of in Roman warfare. A ditch was dug from sea to sea three hundred stadia or more than thirty-seven Roman miles in length, fifteen feet deep and the same in width. Above the ditch a strong rampart was made. The neck of land which corresponds pretty nearly to the length of the ditch of Crassus is the part between the gulf of Vibo and that of Scylacæum, but as a range of mountains runs through the country from north to south, the undertaking must have been exceedingly laborious, as Plutarch intimates that it was. The narratives of Appian and Plutarch here become irreconcilable. Both of them are abridging some history; and where one makes the story very short, the other tells it at some length. Appian says that Spartacus made an attempt to go northwards, while Crassus was making his lines, and that he lost twelve thousand men in the attempt, while the Roman general had only three men killed and seven wounded, a statement which is absolutely incredible. Plutarch on the contrary says that at first Spartacus paid no attention to the works of Crassus, but when all supplies failed in the peninsula, he took advantage of a snow-storm, and filling up a part of the trench with earth and the branches of trees he carried over a third of his army. Here the story in Plutarch ends, and it is only from the subsequent narrative that we must conclude that the remaining two thirds of the army of Spartacus also broke through the rampart of Crassus. It is strange that Frontinus in describing this stratagem should say that Spartacus made a passage over the trench by filling it with the dead bodies of

prisoners and cattle, but Frontinus must have found this story somewhere, for he is not a writer of romance.

Pompeius had now returned after finishing the war against Sertorius and settling the affairs of Spain. The people in Rome were dissatisfied when they heard that Crassus had shut up Spartacus at the extremity of Italy, and they were afraid that this war, which was a disgrace to them, would last a long time. Accordingly by a vote of the people, as Appian seems to mean, Pompeius was associated with Crassus for the prosecution of the war. If it is true that Crassus had already written to the Senate, as Plutarch says, to summon Pompeius from Spain and M. Lucullus from Macedonia, he changed his mind when he saw a prospect of putting an end to the war himself, and he was eager to do it, for he knew that he who came last would gain the credit of success. It is stated by Appian that Spartacus proposed terms to Crassus while he was still blockaded, and that when his offer was rejected, he forced his way through the Roman lines, with the intention of reaching Brundisium, where he might expect to find ships and escape at least with some of his men. However he was diverted from this purpose by hearing that M. Lucullus had just landed at Brundisium on his return from Macedonia. It was now the early part of B.C. 71, when the fugitives were followed by Crassus, who came up with a division which had separated from their comrades in consequence of a quarrel, and would have been destroyed, if Spartacus had not appeared and saved them. This division was a body of Gauls and Germans under two leaders named Gannicus and Castus. It appears that the whole force of the insurgents was again united, or at least both divisions were encamped at Mount Calamatus near the source of the river Silarus, when Crassus approached. Crassus made two camps near the enemy, but at night leaving the praetorium or general's tent standing in the larger camp to deceive the rebels, he led out all his men and posted them at the foot of the hill in a place where the insurgents could not see them. He then gave L. Quinctius part of the cavalry with instructions to throw it in the way of Spartacus and so to keep him employed; with the other part he was instructed to draw on

the Gauls and Germans, who formed the division of Castus and Gannicus, to the spot where Crassus had placed his forces. The barbarians followed the cavalry in their pretended flight until all at once the Roman order of battle burst on the sight of the pursuers, and the troops of Crassus charged the rebels with a loud shout. Twelve cohorts under C. Pomptinus and Q. Marcius Rufus, which had been sent round the mountain and were in the rear of the enemy when the battle began, came down upon them with fury, and the fight was at once changed into a disorderly rout. The victory of the Romans was complete. Thirty-five thousand of the insurgents were killed, as Livy reported, together with the two commanders; five Roman eagles were recovered; six and twenty standards and a greaty booty fell into the hands of the conquerors, among which were five fasces with the axes.

Spartacus fled southwards with his division to the hills above Petilia (Strongoli), a town in Bruttium near the east coast, situated on an eminence which overlooks the valley of the river Neaethus (Nieto). He was followed by L. Quinctius and the quaestor Tremellius Scrofa, but the gladiator was not yet beaten. He turned round on the pursuers and put them to flight. Scrofa was wounded and with difficulty saved by his men. This success brought on the final defeat of the insurgents, who were so full of confidence that they would no longer obey their commander, but compelled him to lead them back into Lucania, which was just what Crassus wished. Pompeius was advancing and Crassus was eager to end the war before his rival snatched the glory from him. While Crassus was digging the trenches for a camp, the rebels attacked the men who were working. Others came up on both sides and Spartacus prepared for a battle. When his horse was brought to him, he said that if he won the battle he should have plenty of horses, and if he were defeated, he should not want one. Upon this he stabbed the horse, and fought on foot like the rest of his men. In the attempt to make his way to the Roman general he killed two centurions, but numbers and superior discipline gave the victory to the Romans. While most of his men fled, some faithful companions rallied round the rebel general and fought

with desperation. At last Spartacus was wounded in the thigh with a javelin, but he supported himself on his knees until he and all the men around him were cut down. The rebels were slaughtered without mercy, and no man knew how many fell. The body of Spartacus was not discovered among the slain. Crassus showed the abilities of a skilful commander and exposed himself to great danger in this terrible conflict, which cost the Romans a thousand men. In six months he had put an end to the insurrection.

About five thousand of the followers of Spartacus who escaped from the battle fell into the way of Pompeius, who destroyed them all and wrote to the Senate to say that Crassus had conquered the rebels in a regular battle, but he had pulled up the war by the roots. This boast however was not true, though Cicero afterwards, when he was flattering Pompeius, falsely gave to him the credit of terminating this servile war. Many of the fugitives escaped to the mountains, where they formed four bands, and bravely resisted Crassus till they all perished, but not before they had plundered Tempa in Bruttium. We may assume that all these marauders were not destroyed at once and that they continued to haunt the mountains of Southern Italy as brigands. Six thousand prisoners are said to have fallen into the hands of the Romans, and they were crucified along the road from Rome to Capua. The Romans always showed great vigour in putting down insurrections, but they learned nothing by experience. The cause of this rising and of the calamities which it brought upon Italy were obvious, but there is not the slightest evidence that any Roman, even those who aspired to be leaders in the Republic, ever thought of stopping the mischief by putting an end to slavery. Indeed the evil had now spread so far and was so deeply rooted, that it would have been impossible to make such a great change at once, for the institution of slavery was fixed in the habits of the Romans as in other antient nations, and Italy was filled with barbarian slaves imported from all the countries which the Roman arms had visited. Still it does appear surprising that among a people, who possessed some talent for organization and administration, there is no record of any man ever contemplating

the extinction of slavery, which was devouring Italy, unless it may be that the reforms of the Gracchi were intended indirectly to bring about this result. The waste and desolation of this servile war following after the sufferings of Italy in the civil broils of Marius and Sulla must have reduced Central and Southern Italy to a state of the most abject poverty. The numbers of slaves who collected under Spartacus and his associates cannot be computed, but we may infer from the stout resistance that they made and the thousands who perished that it was the most formidable rising that ever threatened the existence of a slaveholding community. The roving bands who plundered flourishing towns and robbed the Italian farmer of his stores were long remembered by the Romans; and their writers by recording the humiliating defeats of regular armies gave unwilling testimony to the ability of the able commander, who so long kept together his motley undisciplined band of many nations and languages. We cannot say whether Spartacus had any design beyond that of taking vengeance on the Romans, for though it is recorded that he had great abilities and was of a mild character, it would be too much to suppose that his views were enlarged beyond the range of the men of those days. But whatever he may have designed, he could have done nothing with the barbarians who were about him, and if he had destroyed the Roman State, a thing which is altogether inconceivable, he would have fallen at last by the men whom he led. All that he did accomplish was to leave behind him the name of a brave and able leader of an oppressed race against a tyrannical aristocracy, and a warning to all ages to observe those organic diseases in the political body which bring on the ruin of a nation more surely than any external causes.

Crassus had terminated a war more dangerous to the Roman State than any of her foreign contests except the long struggle with Carthage, and he expected a triumph and aspired to the consulship. But a rival had shorn him of some of his glory, and the same rival also expected the consulship as the reward of his services in Spain, though he had not passed through any of the lower offices in the State and had not attained the legal age for the consulship. Crassus did not

like Pompeius, but he thought it prudent to solicit his assistance for the election, as Pompeius was a great favourite with the people, who had heard much of his military talent and knew little more of him. Pompeius was pleased with this opportunity of forming an alliance with the richest man in Rome, and he let it be known that the election of his new friend would be as agreeable to him as his own. Both the generals were still outside the city at the head of their respective troops, and nothing could be refused to men who, if they combined, could take what they asked for. The *Leges Anales*, as the Romans called the enactments which fixed the age for candidates, must have been suspended in favour of Pompeius, and also the law of Sulla about the high offices of the State. Indeed Cicero affirms that Pompeius was freed from the rule of law as to age by a *Senatus consultum*. At this time before the restoration of the tribunician power the Senate had the administration in their hands: they gave extraordinary commissions for which a *Lex* or enactment by the people at other times would have been necessary; they sent Pompeius who was a private person into Spain; they gave the command in the Mithridatic war to Lucullus, and that almost unlimited commission to M. Antonius to clear the sea of pirates. Pompeius had seen little of civil administration, but he had talent for intrigue, and he told the tribunes that he would do something for the restoration of the authority of the office, if he should be elected, and he removed all suspicion of his intention to imitate Sulla's example by declaring that he would disband his troops after he had enjoyed his triumph. Pompeius had enemies among the aristocratical party and he wished to strengthen himself against them. After his election while he was still outside of Rome with his men, the tribune M. Palicanus gave Pompeius the opportunity of addressing a meeting which he had summoned before the gates of Rome. The general knew what the people had most at heart, and he made a bold bid for popularity by promising reform. He confirmed his promise about the restoration of the tribunician authority, and was greeted with applause. But when he told the people that the provinces were scandalously pillaged, that the administration of justice

by the Senatorian juries was corrupt, and that it was his intention to cure these shameful abuses, the shouts of the assembly testified that they had at last found the man whom they wanted.

Sometime in this year (B.C. 71) M. Lucullus had a triumph for his victories in Thrace. At the end of the year Crassus had the smaller triumph, named an ovation, for his defeat of the slaves. Metellus and Pompeius had their triumph for the pacification of Spain on the thirty-first of December in the same year. This was the second time that Pompeius still only a Roman eques ascended the Roman capitol as a conqueror, and enjoyed an honour which the Roman constitution only gave to those who had filled the highest offices in the State. About sixty years had passed since Tiberius Gracchus attempted his reforms, and after so many years of turbulence and bloodshed, the State was only nearer the inevitable change, the overthrow of all parties by the hands of her own soldiers.

CHAPTER III.

THE FIRST CONSULSHIP OF CN. POMPEIUS.

B.C. 70.

ON the first of January B.C. 70 Crassus and Pompeius entered on the consulship. It would now be the duty of Pompeius to preside in the Senate, and as he had not yet been a member of that body, he knew little of the way of proceeding. Accordingly after his election and before the beginning of the year, he applied to his friend M. Varro and asked him for instruction on the forms which were observed when business was brought before the Senate. Varro wrote for the consul a small treatise, which he named by a Greek word Introductory (*εἰσαγωγικός*), and we must suppose that Pompeius made some use of it. The book however was lost, as Varro says in his letters to Oppianus, and in the same letters he repeated many of the rules which were observed in conducting the business of the Senate. Gellius (xiv. 7) has preserved a short summary of the contents of this treatise.

The two consuls, both of them men of Sulla's party, did not act in harmony. Both wished to be popular with the electors of Rome, and as Crassus was very rich, he employed money to gain this end. Following Sulla's example (vol. ii., p. 394) he made a great festival in honour of Hercules, and feasted the electors of Rome at ten thousand tables, as we are told; but whether the number of tables was ten thousand or less, the expense of entertaining the electors resident in the city must have been very large. He also gave them an allowance of corn for three months, a donation which of course was only for the poor, but the poor were a large body in Rome, and if the

electors were like men of modern times, many would accept the gift who were well able to provide for themselves.

In this year B.C. 70 the office of censor was again exercised (vol. ii., p. 417), and the censors were L. Gellius and Cn. Lentulus Clodianus, the consuls and unsuccessful generals of B.C. 72 (p. 38). These censors were not appointed before the latter part of April in this year, as we collect from Cicero (*Divinatio*, c. 3). The number of citizens registered was 450,000. The censors exercised their office with great severity, and removed sixty-four men from the Senate, among whom was C. Antonius, the son of the great orator M. Antonius, and P. Lentulus Sura, who had been consul in B.C. 71 (vol. ii., p. 445). But this census was made memorable by a sight which the Romans had never seen before. It was the usage for the equites, when they had served the time fixed by law, to bring their horses into the Forum before the censors, and after giving an account of their service to receive their dismissal. On this occasion the censors Gellius and Lentulus were sitting to inspect the equites who were passing before them, when Pompeius was seen approaching with the insignia of consul, and leading his horse. He ordered his lictors to clear the way for him and presented himself to the censors. The elder censor said, "I ask you, Pompeius Magnus, if you have performed all the military services which the law requires." Pompeius replied with a loud voice, "I have performed all, and all under my own command as Imperator." The answer was followed by loud applause from the people, which gave the censors a hint about what they should do. They rose from their seats and conducted Pompeius to his house, a Roman fashion of showing respect, the people following and cheering their favourite all the way.

The agitation for the complete repeal of Sulla's law about the tribunate was not stopped by the law of C. Aurelius Cotta, B.C. 75 (p. 3). In B.C. 73 the tribune C. Licinius Macer, a fierce opponent of Sulla's legislation, attempted to rouse the people to demand reform. The opportunity was favourable, for bread was dear, and a time of distress is supposed to make a nation clamorous for any change. The Senate stopped the hungry mouths with corn bought at the public cost, and gave

the electors hope that something might be done when Pompeius returned from Spain. Thus they gained time, though it was not difficult to foresee that the agitators would not let the matter rest. The tribune Macer wrote a Roman History, which began at the beginning and may have extended over a large part of the whole period up to his own time, for we know that there were at least one and twenty books. He earned some praise for careful examination of the authorities, and Cicero, who must have known him well, admits that he took great pains with the matter and the arrangement of his speeches, though in other respects he gives him scanty praise. Sallust has written in his Histories a speech which Macer is supposed to have addressed to the people. It is in the same style as the harangue of the tribune Memmius, which appears in Sallust's history of the Jugurthine war (vol. i., p. 402), and it contains a fierce attack on the aristocratical party for their tyranny at home and their oppression of the provinces. The cure recommended for all these abuses was the restoration of the tribunician authority, and the people were urged to rouse themselves from torpor and think of acting instead of merely listening to speeches. If the aristocracy of Rome would still persist in looking out for occasions of foreign wars and the glories of triumphs, they should carry on the wars themselves and seek no help from those who bore all the labour and danger and got none of the profit. Thus the tribune fanned the flame of popular discontent, and kept expectation alive. Palicanus in the year but one after was working to the same end, and Pompeius had promised to satisfy the popular demand. The time was now come for redeeming his promise. Another indication of the desire to undo Sulla's work appears from a fact mentioned by Sallust, that Cn. Cornelius Lentulus Clodianus, one of the consuls of B.C. 72, had proposed a law for exacting payment of the purchase money which Sulla had remitted to those who had bought confiscated property. Cicero (*Verr.* ii. 3. 35) perhaps refers to this attempt to recover what was due to the treasury, when he says that the only act of Sulla which the Senate attempted to undo was his remission of the payment of the purchase money to those who had bought confiscated property. He speaks of

several resolutions to this effect, and the bill of Lentulus may have been founded on these resolutions. It is certain that the resolutions mentioned by the orator were not made in Sulla's lifetime, and we may make a probable conjecture that repeated attempts were made to get in the money until Lentulus finally proposed his bill. But we do not know if the bill of Lentulus was carried, or if carried, whether it was enforced. Too many powerful persons were interested in maintaining Sulla's gifts to allow such a measure of justice to be carried. It was easier to make constitutional changes than to enforce a demand for money due to the State from the rich and powerful. If this money was ever paid under the law of Lentulus, the purchasers of confiscated lands might justly consider the payment a confirmation of their title, but in the unsettled state of affairs many of them might not be able to pay the money, or if able, not willing, for the value of all property was depreciated, and as the bill of Rullus shows, which will hereafter be mentioned, the holders of much of this Italian land would gladly have exchanged it for ready money.

The bill for the restoration of the tribunician power was proposed by Pompeius some time in the first half of B.C. 70. Cicero affirms that the great corruption in the courts, in which the senators acted as jurymen, was the real cause of the popular clamour, and that though the people called for the restoration of the authority of the tribunes, what they really wanted was a reform in the administration of justice. Q. Catulus, who was opposed to the new measure, admitted, as Cicero informs us, that the courts were corrupt, and that if the juries in the exercise of their functions had discharged their duty honestly, there would have been less outcry for the re-establishment of the tribunician power. The Senate gave an unwilling assent to Pompeius' bill, and the vote of the people made it law. Caesar supported the bill with all his power. The man of Sulla and the nephew of C. Marius were working together to the same end.

In the latter part of August were celebrated for fifteen days, to the great delight of the Romans, the games which Pompeius had vowed during the campaign against Sertorius. There still remained the reform of the jury lists to settle, and

a bill was brought in for this purpose by the praetor L. Aurelius Cotta, who was the uncle of Caesar. This measure was not promulgated until after Cicero had begun the prosecution of C. Verres, the governor of Sicily, as Cicero himself informs us (*Verr. ii. 5, c. 69*); and he declares in the only speech against Verres which was delivered (*Actio Prima*) that this case would determine whether it was possible for a rich criminal to be condemned by a senatorian jury. The senators, to whom Sulla's legislation had entrusted the honour of Rome in the trials of men who were guilty of offences against the law and particularly of abuse of power in the provinces, had scandalously neglected their duty. Cicero declares that during the time that the juries were composed of the equites, a period which he calls not quite accurately near fifty years, there never was the slightest suspicion of a Roman eques receiving a bribe in his capacity of jurymen; an assertion which is certainly false. In the ten years (B.C. 80—70), as he reckons the time in round numbers, which had elapsed since Sulla's reform gave the office of jurymen to the Senate alone, corruption had been common. He mentions the names of senators who had been convicted of taking bribes: he affirms that there were instances, though we know that he alluded only to a single instance (*Pro Cluentio, c. 37*), of a jurymen giving his vote for the conviction of an accused person without having heard the evidence. But one senator in his capacity of jurymen outdid all his fellows: he received money from the accused for the purpose of distributing it among the jury, and from the prosecutor to secure the same man's conviction.

The law of Cotta proposed to make the juries eligible not from the senators only, but from the senators, the equites, and a class called the *tribuni aerarii*, whose office is supposed by some critics to have been the payment of the soldiers, as appears from a passage of Varro; but we have no distinct evidence of the functions of these *tribuni aerarii*. The Senate, as we may suppose, resisted the proposed change, but Cotta daily harangued the people on his bill, and he declared that the State could not exist unless the equites were made eligible as jurymen as well as the Senate. The governors

of provinces belonged only to the senatorian body, and it had become the usual practice for them to plunder the provincials under various pretexts, and it was almost impossible to obtain a conviction of a governor from a jury who belonged to the same class as the accused, from men who might one day be themselves prosecuted and who would expect in their own case the same indulgence which they had shown to others. The bill of Cotta was carried, notwithstanding Verres had been convicted, and we must infer that when Cicero spoke and wrote as if the enactment of Cotta's law depended on the result of Verres' trial, he is not giving a true view of the matter. The party in favour of the law were determined to carry this measure, and they succeeded, but we shall not find that the courts became more honest.

Another proof of the reaction against the party of Sulla during this year was a bill proposed by a tribune named Plautius to allow L. Cornelius Cinna, the brother of Caesar's wife, and those who with him had followed the consul Lepidus and after his death joined Sertorius in Spain, to return to Rome. Caesar supported the bill in a speech before the people, and it was carried.

Pompeius who had not been on good terms with Crassus during their consulship was reconciled to him, or a show of reconciliation was made, before they laid down their office. Neither of them accepted a provincial government, and both we may suppose had good reasons for staying at Rome. The fear that had once troubled the Romans or some of them, that Pompeius on his return from Spain might play Sulla's part, was now removed, for his army had been disbanded and he went into private life. We cannot tell what the man's ultimate designs were, or whether he ever had the purpose of making himself master. He was ambitious and greedy of distinction, but he had not yet such an opportunity as Sulla enjoyed, nor, as far as we can judge, had he the qualities of a successful usurper.

Cicero returned to Rome in B.C. 77 (vol. ii., p. 391) and resumed his practice as an advocate. At this time C. Aurelius Cotta and Hortensius were the two orators whom Cicero aspired to imitate; but his ambition was rather to become the

rival of Hortensius, whose age and style of oratory were nearer his own. He was employed, as he tells us, in several great cases during the next year, but we have no record of any of his orations except one that is still extant in defence of the actor Q. Roscius who was sued for a sum of money on an alleged partnership account. In this year Cicero was a candidate for the quaestorship, Cotta for the consulship and Hortensius for the office of aedile. In the next year (B.C. 75) Cicero went as quaestor to Sicily, a circumstance which gave him the opportunity of gaining distinction by the prosecution of Verres. The governor of Sicily during Cicero's quaestorship was Sextus Peducaeus. Though the island had only one governor, it had two quaestors, one for the western part, or the district of Lilybaeum, and the other for the eastern part, which was the district of Syracuse. Cicero had the western part of the island and he stayed there one year. Peducaeus was two years in Sicily. In B.C. 74 he was succeeded by C. Sacerdos, and in B.C. 73 C. Verres came as governor and held his office for three years.

In the second year of Peducaeus (B.C. 75) the price of grain was very high in Sicily, and as the island furnished Rome with a large part of her supplies, the effect of the scarcity in Sicily was felt in the Roman capital. It was Cicero's duty to enforce the demands of the Romans for corn, but he honestly paid the Sicilians the money with which he was entrusted by the Roman treasury for this purpose, and by his upright administration he gained the confidence and affection of the islanders. He left Sicily in B.C. 74 after receiving from the Sicilians unusual marks of their gratitude, and he went by the way of Syracuse, where he discovered the tomb of the great geometrician Archimedes nearly hidden by the shrubs which had grown up round it. He tells the story himself, that the Syracusans had forgotten all about the monument of their illustrious fellow citizen, but Cicero remembered some verses that were said to be cut on the stone, which verses made mention of the figure of a sphere and a cylinder being placed on the tomb of Archimedes to commemorate his demonstration of the geometrical relations between these two bodies. Accordingly when he spied a small column just rising up

above the bushes and briars on which was the figure of a sphere and a cylinder, he conjectured that it was the monument of Archimedes, and his conjecture was right. From Sicily he went to Puteoli (Pozzuoli) on the coast of Campania, at that time a place much resorted to by the rich people of Rome for the mineral waters and the pleasant neighbourhood. Here he had a lesson which he did not forget, and he has told the story in his best manner, which no one has ever surpassed. (*Pro Plancio*, c. 26.) He was so pleased, he says, with himself and his Sicilian administration that he thought every body at Rome was speaking of nothing but his quaestorship, and he expected the people would be eager to confer on him all the honours of the State. To his great dismay on arriving at Puteoli a man addressed him under the impression that Cicero had just come from Rome and accordingly inquired what was the news in the city. Cicero replied that he was returning from his province, on which the man remarked "To be sure, from Africa, I suppose." Cicero, who was now out of humour, answered impatiently, "No, from Sicily, I say;" whereupon a third person, as if he knew all that was going on in the world, asked the speaker if he did not know that Cicero had been quaestor at Syracuse. Cicero saw that there was no use in being angry: he had made a great mistake in supposing that all the Romans were thinking of him, and he was content, as he expresses it, "to be one of the visitors at the waters." But this little adventure was more profitable to him than if all the people at Puteoli had congratulated him on his brilliant quaestorship. He perceived that the ears of the Romans were dull, but their eyes were sharp, and he dropped all thought of what men might hear about him: he took care that they should see him every day; he lived in their presence, he kept close to the forum; his hall porter turned no man from his door, not even if his master was asleep. This confession, which he made in one of his speeches at a later period of his life, shows that he was determined to push his way at Rome, and that he knew how to secure the votes of the electors. He had no military exploits to dazzle the eyes of the vulgar, but he knew his powers as an advocate and an orator, and by these means he

could raise himself to the first place in Rome as surely as others did by the sword or by intrigue.

On his return to Rome Cicero resumed his occupation in the courts, but we do not possess a single speech of the period between his quaestorship and B.C. 70 except a fragment of the oration for M. Tullius, which was probably delivered in B.C. 71. In B.C. 70 Cicero was a candidate for the curule aedileship. He was carrying on his canvass when the Sicilians applied to him to undertake the prosecution of their governor C. Verres, who for three years (B.C. 73—71) had plundered the island and been guilty of innumerable acts of cruelty and oppression. We know little of the family of Verres. His father was a Roman senator and far advanced in years at the time when the son was governor of Sicily. Verres was closely connected with the Cornelii and Caecilii, two of the greatest names in Rome, but there is no evidence that he was related to them. When Cicero left Sicily he promised the people to give them his assistance, if ever they should want it; and all the cities except Syracuse and Messana, both of which had their own reasons for not attacking Verres, now called on him to undertake their case. The opportunity was tempting to an ambitious young man; and the unpopularity of the Senate and the denunciation of their misdeeds by Cn. Pompeius (p. 46), now one of the consuls, emboldened Cicero to accept the offer of the Sicilians. The great orator Q. Hortensius had undertaken the defence of Verres, who had many friends in the Senate, and was supported by L. Metellus, who succeeded him (B.C. 70) as governor of Sicily, and helped his predecessor as much as he could by preventing evidence against him from being collected. Cicero had therefore the glorious object before him of prosecuting to condemnation the late governor of Sicily and of gaining at the same time a victory over Hortensius, the greatest orator in Rome, and "the tyrant of the courts." He had also a personal motive, if he tells the truth when he says that Verres was using the money, of which he had robbed the Sicilians, for the purpose of preventing Cicero's election.

In this year the praetor M'Acilius Glabrio presided in the trials for *Repetundae* (vol. i., p. 26), the offence with

which Verres was charged, and Cicero conformably to the practice in such cases applied to the praetor for permission to prosecute. But a man named Q. Caecilius Niger, no doubt prompted by the friends of Verres, put in a claim to be the prosecutor or at least to be associated with Cicero in the prosecution, though the Sicilians had not asked for his assistance and did not want it. This man had been quaestor under Verres for the district of Lilybaeum, and he said that Verres had wronged him, that he was well acquainted with all the governor's villany and for these reasons he was the fittest person to prosecute him. Experience had proved at Rome that it was not expedient that the parties who complained should have the power of naming the prosecutor, for there had sometimes been collusion between the accused and the accusers, who had compounded their claims for a sum of money, and so managed the trial that a guilty man was acquitted. In order then to determine who should conduct the prosecution in such cases where the public interest was concerned, a jury was summoned, and the rival claimants stated their case before them. There was no evidence produced, and the jury formed their judgment from the speeches and from what they might know of the parties. Hence perhaps the proceeding had the name of *Divinatio* or divining, because the jury could form no more than a probable conclusion as to the fitness of the person in whose favour they decided. The speech of Cicero is extant. His argument is directed to prove that he was the better person to conduct the prosecution because the Sicilians wished it, and indeed would not take any refusal; and though he would willingly, as he says, have avoided this great responsibility, he should discharge his duty to the State and do a great service to all the dependencies of Rome by bringing such a criminal as Verres to justice. Caecilius was not a proper person to conduct the prosecution because the Sicilians did not wish to have him: they did not object to him because they knew nothing of him, but because they knew him too well, and had good reason to complain of his conduct in his quaestorship under Verres. As to the ability of Caecilius to conduct the case against Hortensius, Cicero ridicules his pretensions most

mercilessly, and perhaps Caecilius himself after listening to the orator's invective would feel little inclination to undertake a task in which he would have failed disgracefully. It required no small skill for Cicero to show his opponent's unfitness and at the same time to urge his own claims with becoming modesty, but he has done it well, and if he had left nothing behind him except this oration entitled *Divinatio*, he would deserve the reputation of a consummate orator.

The decision was in favour of Cicero, and he conducted the prosecution alone. He obtained permission from the praetor Glabrio to visit Sicily for the purpose of collecting evidence against Verres, and one hundred and ten days were allowed. But here he was met by a new device. A man was instigated by Verres to commence a prosecution against some senator, whose name is not mentioned, in respect of some misconduct in Achaia, and the prosecutor asked and obtained one hundred and eight days for the journey to Greece and his return. If he returned in time, he would commence his prosecution before Cicero, and the case against Verres would be deferred and possibly thrown into the next year, which, as we are informed, was much desired by Cicero's opponents. However the false prosecutor did not go even as far as Brundisium on his journey. Cicero with his cousin Lucius Cicero travelled through Sicily from west to east, and was received by the Sicilians as their guardian and avenger. He saw with his own eyes the mischief that Verres had done, and he readily got the evidence which he was seeking. Though he was a Roman senator and consequently entitled to be treated as a public guest in all the towns which he visited, he did not put either communities or individuals to any cost, but was entertained by his own friends. Even the Syracusans, who had refused to join in asking Cicero to prosecute Verres, gave him assistance. They showed him the entries in the town books of valuable things which Verres had taken from the temples of Syracuse, and Cicero carried off copies of the entries after having their authenticity attested by the town seal. It was part of the defence of Verres to produce witnesses to character, and the Senate of Syracuse had lately passed a resolution in favour of the administration of Verres, but Cicero now

learned that Verres himself had written to ask for this testimonial, and that the Senate refused to give it till they were compelled by the praetor L. Metellus, the present governor of Sicily. The Syracusan Senate now showed their real opinion by annulling the resolution in favour of Verres and entering this act of condemnation on their records. Upon this a partisan of Verres appealed to the praetor who dismissed the Senate, and attempted, though unsuccessfully, to prevent Cicero from carrying to Rome the final resolution. At Messana, a town which had made itself an accomplice of Verres, Cicero had a sorry reception: the town authorities paid no attention to him, and he, a Roman senator, might have lodged in the streets all night as far as the magistrates of Messana were concerned. However he and his cousin were well entertained by private persons, and Cicero carried off from Messana some striking evidence of the cupidity and cruelty of Verres. Cicero did his work in fifty days and returned to Rome before he was expected by his opponents with a large mass of documentary evidence and a great number of witnesses.

The praetor urbanus M'Acilius Glabrio presided at the trial. In settling the jury (*consilium judicum*) the Cornelian law allowed those who were not senators to challenge only three of the jury as constituted by law, but Verres being a senator was allowed to challenge more, though the number which he could challenge is not known. His advocates challenged six men, and some were challenged by Cicero on behalf of his clients. The list as finally settled was satisfactory to those who wished to see Verres condemned, for the jury was too honest to be bribed. In the mean time Hortensius, the advocate of Verres, was elected consul with Q. Caecilius Metellus, and M. Metellus, who was elected praetor for the next year, had obtained the office of presiding in the trials for *Repetundae*. All this gave Verres and his friends great hopes, for if they could in any way throw the trial over to the next year, they were confident that with the aid of Metellus an acquittal might be secured.

A great effort was now made to prevent Cicero's election to the curule aedileship. A man named Q. Verres, a relation of

C. Verres, undertook to hinder Cicero's election if he had five hundred thousand sestertii to spend on the electors, but it is not said whether he made the attempt. As Verres had amassed an enormous fortune in Sicily and spent his money freely on the trial, the sum of five hundred thousand sestertii might have been easily raised to bribe the electors, and we are left in doubt whether the proposal was really made or the thing was attempted and failed. However Cicero was unanimously elected; and he, now curule aedile, was the prosecutor of Verres. Hortensius, consul elect for the following year, was the principal advocate of the late governor of Sicily, and he was supported by P. Scipio, and L. Cornelius Sisenna, the historian. The number of the jury is unknown, and the names of twelve only can be collected from different parts of the orations against Verres, but it appears from one passage that it was not a numerous jury (Act. i. c. 10). Among them were M. Caesonius, who in the following year was Cicero's colleague in the aedileship, P. Sulpicius, Q. Catulus, P. Servilius Isauricus, the conqueror of the pirates, and C. Marcellus. M. Metellus was also a jurymen, and a friend of Verres, but Cicero believed or affected to believe in his integrity; for he says that he would have challenged him, if he had not trusted to his honour, and that he preferred having the matter settled with him as a jurymen, when he would be on his oath, to having him for the presiding judge if the trial should be deferred to the next year, when he would not be on his oath.

The trial began on the fifth of August of the unreformed calendar. In the latter part of this month the games of Cn. Pompeius would be celebrated which he had vowed in his Spanish campaign, and during this time the court would not sit. Other public games would follow, and it seemed likely that so little time would be left for business during the current year that the trial might ultimately be postponed to the next year and to the praetorship of M. Metellus. To prevent this miscarriage Cicero opened his case briefly in the first oration against Verres (*Actio Prima*). The charge was that C. Verres had committed many acts of violence and cruelty against Roman citizens and the allies of Rome, that he was guilty of crimes both against the gods and against man, and further

that he had illegally carried off from Sicily forty millions of sestertii. The charge was supported by witnesses and documentary evidence. Hortensius saw that he could do nothing for Verres, and he did not even cross-examine Cicero's witnesses. The case lasted nine days, but before the prosecution was over Verres left Rome for Marseille, and the jury condemned him to exile and to make compensation for his wrongful acts. The assessment of the damages (*litis aestimatio*, vol. ii., p. 105) would follow according to the usual practice. Verres thought it more prudent to leave Rome and take with him what he could carry off, than to wait the result of the assessment and run the risk of further prosecutions with which Cicero had threatened him.

CHAPTER IV.

C. VERRES AND THE PROVINCE SICILY.

THE speech which Cicero delivered against Verres is extant, and is named *Actio Prima Accusationis in C. Verrem*. But there are also extant five orations or books, as they are named, of a second *Actio* against Verres, which were only written and were not delivered. These five orations in fact were written after the trial of Verres was ended, and for the purpose, as it appears, of exposing all the acts of the governor's life, and showing by one striking example the scandalous administration of a province, which was one of the most valuable of Rome's foreign possessions. The author doubtless also wished to prove to his countrymen that he could rival the Greeks in oratorical composition.

As these five orations were written only to be read, Cicero did not confine himself strictly to what he would have said, if they had been really delivered. The Roman form of procedure allowed a man frequently to digress from the real case for the purpose of conciliating the good will of the jury or prejudicing them against the accused, according as the orator was on the side of the defence or the prosecution. But Cicero goes far beyond the licence which even a Roman advocate might sometimes use. In the first of these five books he treats of the conduct of Verres in his office of praetor urbanus at Rome before he had the administration of Sicily; but as Verres was prosecuted by the Sicilians for his misconduct in the island, he could not be tried at the same time for acts alleged to have been done by him in another place and when he was holding a different office. Indeed no amount of

evidence, such as Cicero affects to produce in this speech on the urban praetorship of Verres, could lead to a conviction on the real charge on which he was tried; and if the orator has told the truth, there was enough evidence of Verres' maladministration of Sicily to ensure his condemnation. This first of the five orations is therefore perfectly irrelevant matter, such as neither the presiding magistrate, nor the jury, nor the audience could have tolerated; nor could an accomplished advocate like Cicero have delivered such an elaborate speech supported by evidence, when all the charges, even if proved, could have no other effect than to show that Verres was a villain before he was sent to govern Sicily. The four other orations treat of Verres' administration of Sicily, and they are both amusing and instructive. Indeed there is perhaps no literary composition either antient or modern, which is so full of varied matter and written in a style of such charming simplicity as these four orations on the government of Sicily by Verres. They contain the clearest evidence of the immense labour which Cicero had in collecting his information, both in the island and from documentary evidence and witnesses; and they remain an everlasting memorial to the disgrace of a government which could allow one of the worst men in Rome for three years to misgovern, to plunder, and illegally to punish the inhabitants of an island, which was only a few days' journey from Rome and had long been the granary which fed her hungry populace. We possess in these four orations of the Second Action against Verres a clear exposition of the constitution of a Roman province at this period. The nature of the administration of a province has been already described in general terms (vol. ii., p. 169).

At the close of the first Punic War, B.C. 241, the Carthaginians were compelled to retire from their possessions in Sicily which comprehended the western and larger part of the island. This part was then made a Roman province. The kingdom of Syracuse still subsisted under Hiero II., the ally of Rome, but besides Syracuse, Hiero possessed only the towns of Acrae, Leontini, Megara, Helorum, Netum, and Tauromenium with their respective territories. In the second Punic War M. Marcellus took Syracuse B.C. 212, and

in B.C. 210 M. Valerius Laevinus settled the whole island as a Roman province. After the first Slave War, which was ended in B.C. 132 (vol. i., p. 124), P. Rupilius with the aid of ten commissioners finally organized the administration of the island and placed it in that condition which subsisted when Cicero undertook the prosecution of Verres. The island was disturbed by a second slave insurrection which terminated in B.C. 99 (vol. ii., p. 86), but without being followed, as far as we know, by any change in the provincial constitution.

Originally Sicily was governed by a praetor sent from Rome, but before the time of Cicero it became the fashion to send a man as propraetor, who had already filled the office of praetor. There were two quaestors for the island, an arrangement which is not mentioned in any other province, but the origin of the practice seems to be explained by the fact that the western part of the island was made a province before the eastern part. Indeed Cicero, when he is speaking of the two quaestors of Sicily, sometimes names them "the quaestors of each province."

It is uncertain how many town communities existed in the island. In one passage (Verr. ii. 2. 55) Cicero says that there were in the island one hundred and thirty censors, and as each of the town communities had two censors, this would make sixty-five towns. But there were also three Federate States, or States which had a treaty (*foedus*) with Rome, Messana, Tauromenium and Netum; and five cities named "free and exempt" (*liberae et immunes*), Centuripa, Alesa or Halesa, Segesta, Panhormus, and Halicyae: and it is uncertain whether these eight cities were included in the number sixty-five or must be added to it.

The island was divided into districts or "*conventus*," so called because the people used to meet at a certain place or places within the several districts for the purpose of having their suits determined, and for the transaction of other business which required the authority of the governor, who used to make his circuits through the island. The same division of "*conventus*" was made in other provinces. Four of these districts in Sicily are enumerated by Cicero, those of Syracuse, Lilybaeum, Panhormus and Agrigentum.

As to taxation the lands of the Federate States were free : they paid none of the usual tenths. But the terms of their treaties with Rome were not all the same, for the people of Tauromenium were by treaty excused from furnishing the Romans with a ship, and the people of Messana were by their treaty required to furnish one (Verr. ii. 5. 19). Verres, who regarded neither law nor treaties, demanded a ship of the Tauromenitani, and from corrupt motives relieved the citizens of Messana from their contribution.

The five free cities paid no tenths to the Romans, if the lands were cultivated by their own citizens; but if any person who was not a citizen of these five states cultivated any land in them as a tenant he paid his tenths. Cicero states (Verr. ii. 3. 6) that there was a difference between Sicily and all the other Roman provinces in the management of the Vectigal, which is the name for the contribution which the provinces made to the Roman State. All the provinces except Sicily paid either a fixed land-tax (vectigal stipendiarium), or tenths or other quotae of their produce, and these tenths were let at Rome by the censors to the Publicani, who paid the State a certain sum for the privilege of collecting the tenths and made out of them what profit they could. Cicero further says that the states of Sicily were received under the protection of Rome, so as to owe obedience to their new masters on the same terms on which they had lived before. Only a very few states were conquered in war, and their land according to Roman principles became the property of the Roman State, but it was restored to the owners on condition of making certain payments, which were let by the censors at Rome, and consequently these states were placed on the same footing as the other provinces. He then mentions the relation with respect to Rome of the Federate, and Free and Exempt towns, and he adds "that all the lands of the other Sicilian towns were subject to the payment of Decumae or tenths of the produce, just as they were before the Roman dominion was established in Sicily, with the consent and according to the usages of the Sicilians." It seems then that the restored lands of the conquered towns were leased and paid a rent to the Roman State, as some critics understand

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Cicero, instead of paying tenths like the other Sicilian lands, except those of the eight privileged cities. The collection of the tenths was administered according to the arrangement made by king Hiero (Lex Hieronica), and these tenths were payable on the yearly produce of wheat, barley, oil, and wine, and also on what Cicero calls "*fruges minutae*," supposed to be leguminous vegetables. The tenths of wheat and barley were let in Sicily to the Publicani, but sometimes a community would bid for its tenths and pay them itself, of course having the right to levy them on the produce of the citizens. In B.C. 75, when Cicero was quaestor in Sicily, he says that the Senate allowed the consuls to let in Rome the tenths of wine, oil, and the small tithes on such terms as they pleased, though up to this time the quaestors had always let them in Sicily. He also asserts that the Romans neither imposed any new tax on the lands of Sicily, nor made any change in the terms on which the taxes were let, nor in the place and time of letting, but the whole business was regulated according to the system established by King Hiero II.; and the Romans, as he observes, did wisely in administering the island by the rules to which the people had been long accustomed. But as Hiero only possessed a small part of Sicily, his system of taxation could not have subsisted beyond his own dominions, and we must suppose that the Romans established in other parts of the island the same excellent administration which they found in the kingdom of Hiero.

There were two other sources of revenue from Sicily, the "*scriptura*" and the "*portorium*." The "*scriptura*" was derived from pasture lands, which were the hills and the tracts not fit for arable purposes. Those who turned their cattle and flocks on these pastures paid a sum of money proportionate to the number of the beasts which they turned out; and as the owners of these animals were required to register (*scribere*) their names and the number and kind of the animals, the term "*scriptura*," which properly signified the register, was also applied to the money which was paid. This "*scriptura*" was rather a rent than a tax, though these pasture grounds formerly belonged to the several Sicilian communities and the Romans had seized them and now made

the people pay for the use of them. The "portorium," as the name denotes, was a tax paid in the ports, and also levied at ferries, bridges and barriers. Cicero has occasion in the Verrine orations to speak only of export duties, which in one instance he states to be one-twentieth or five per cent., calculated probably on the declared value; but we may assume that there were import duties also. Both these taxes were collected by the Publicani, who constituted themselves into partnerships (societates) for farming these and other sources of revenue. The partners at Rome in these undertakings took shares; and as the State would often require the money at once, the amount of the several shares must have been paid in advance, either altogether or in part. A director (magister) at Rome managed the affairs of the company, and a deputy director (pro magistro) acted for him in the country where the dues were collected, and looked after the numerous agents who were employed in getting them in.

Besides the taxes paid to Rome the Sicilians had to provide for the expenses of their own town administration. For this purpose the censors, who have been already mentioned, were elected in each town once in five years, and their duty was to make a rating of each man's property in order to ascertain the amount of his contribution for municipal purposes. These censors had full power to estimate every man's property and to fix the amount of his contribution. The office of censor was merely honorary, but the distinction and the power which it conferred made men eager for the place; and it was one of the charges against Verres that he took advantage of this ambitious feeling, and declared that he would nominate the censors himself, an announcement which was well understood by the candidates to be an invitation to buy. Accordingly in the praetorship of Verres this honourable office was sold to the highest bidder, and the praetor's agent received the purchase money. The censors thus appointed did what men did at Rome who obtained office by bribery: they administered their office in such a way as to repay themselves for the money which they had expended. They rated the rich low, and of course received something from them for the favour; but they rated the poorer sort high, and thus

shifted the weight of taxation to those who were least able to bear it.

The condition of Sicily under an honest administration was not bad. The towns retained their own government of a senate or town council, and a popular assembly whose vote was required on many occasions. They had their chief magistrate, one or more, their public functionaries, and administrators of the temples and palaestrae or places of public exercise. In one instance we read, at Syracuse, the high priest of Jupiter was chosen by the people, who had thus annually the excitement of an election for this honourable office. The temples had large possessions, the gifts of pious donors, and they were rich in statues and other works of art.

The value of the *decumae* or tenths, the collection of which was leased or sold, as the Romans often termed it, to the *Publicani*, was estimated by quantity, and the estimate of the yearly quantity of the produce was founded on the declaration which the cultivators were required to make of the amount of land which they cultivated. The inhabitants of a district were bound to deliver their tenths at the chief place in the district; but Verres in some cases compelled the farmers to deliver grain in other places, and indeed during his government the Sicilians were plagued by him in the matter of the tenths by innumerable knavish tricks, the invention of the praetor and his agents. Cicero has treated of this part of the charge in the third book of his second action against Verres. These Sicilian farmers were generally small proprietors, but some were lessees. There were also large cultivators, both Romans and Sicilians, who employed great capitals in the growing of grain; but all alike suffered from the cupidity of Verres and those whom he had about him.

In addition to the first or regular tenths Rome sometimes demanded from the *decumanæ civitates*, or those communities which were subject to the payment of the regular tenths, a second tenth. This was paid for by the Roman State at the low rate of three sesterii the modius, and was named *Frummentum Emptum* or purchased grain. Here again a dis-

honest governor like Verres had the opportunity of embezzling some of the money which it was his duty to pay to the Sicilians, and of defrauding and oppressing the cultivators. In urgent cases there was a demand of a third tenth under the name of *Frumentum Imperatum*, or imposed grain, which was paid for by the Roman State at the rate of three sesterii and a half the modius, if the reading is right in the text of Cicero. This extraordinary demand fell on all the lands in the island, and it amounted during the government of Verres to 800,000 modii of wheat. Here again was another opportunity for practising fraud and oppression, and Verres did not neglect it.

This was not the end of the matter. There was also the *Frumentum Aestimatum* or estimated grain, which the governor could demand of the cultivators for the use of his household. The amount that he could demand was fixed by law, and also the price, and he was furnished with money for the payment. Other governors had contrived to make a profit out of this *Frumentum Aestimatum*, and the abuse was recognized; but Verres got more profit than his predecessors, and that was made a charge against him.

The last mode of extorting money from an unwilling people was on the pretence of applying it to the erection of statues of the governor. Some statues were really erected at the expense of the Sicilians in honour of Verres, and even of his father and his son; but he is charged by Cicero with getting other money on the pretext of making statues and keeping it. This base adulation and the practice of erecting temples and altars to governors was the invention of the Greeks.

When Verres entered on his government, the island had recovered from the effects of the last slave war, agriculture was prospering, and trade had increased. The Sicilians made excellent household furniture, and various articles for domestic use or ornament, which were evidence of the skill of the artist and of the taste of the people. Cicero in the fourth oration of the second book dwells with delight on the treasures of art which the island contained when Verres landed, and he affirms that the governor carried off every thing that was valuable. He says that there was neither vessel of silver,

nor bronze of Corinth or Delus, neither precious stone nor pearl, nothing made of gold or ivory, no statue of bronze, marble or ivory, no picture on wood nor pictured tapestry in the whole island which Verres did not hunt out, examine and carry off, if it pleased him. This seems the language of great exaggeration, but the orator affirms that it is literally true. The governor left nothing that was worth having either in private houses or in the towns, nothing in the public places or in the temples, nothing either in the possession of Sicilian or Roman. Such wholesale robbery was never heard of even in Rome.

Finally Verres neglected the defence of the island while he was spending his time in rioting and in the company of loose women. The pirates made their appearance off the Sicilian coast, and the governor had no sufficient fleet to oppose them. It was his duty to require from the Sicilian towns both ships, sailors and soldiers, but he used this power as a means of levying money for his own use, and such ships as he had were badly equipped. He sent out his ill-prepared fleet against the pirates under the command of Cleomenes, a Syracusan, that he might enjoy the company of the admiral's wife more freely during his absence. When Cleomenes was at Pachynum, he heard that the pirate ships were in a neighbouring port, and being seized with alarm he cut loose his anchors and took to flight, making a signal to the other ships to follow. Though the men had been ill-fed, they were willing to fight if the commander had set them the example, for the ship of Cleomenes was a large vessel and might easily have overpowered the small barks of the pirates. However resistance was now impossible. Two of the Sicilian ships were taken in their flight and Cleomenes having reached Helorum hurried out of his vessel and left it. The other captains who had escaped from the enemy brought their ships to land at Helorum and left them to the pirates, who set them all on fire. The pirates emboldened by their success ventured even into the port of Syracuse, where they stayed for a time and left it at their leisure, without doing any mischief, as it appears, for the city was too strong to be assaulted. It was necessary for Verres to do something to stop the clamours

of the Syracusans, who well knew that the governor's misconduct was the sole cause of this disgraceful calamity. But one crime only led to another. The governor was guilty, but the unfortunate captains, except Cleomenes, paid the penalty. Verres threw the men into prison, and held a mock trial of them. All were condemned and executed.

L. Metellus, the successor of Verres in the government of Sicily, defeated the pirates by land and by sea, and restored tranquillity to the island.

The great stone quarries of Syracuse, which had supplied materials for building the city, were at this time used as a prison, and malefactors from the towns of Sicily were sent here for safe keeping. Verres employed this horrible dungeon for his own purposes. He shut up in it Roman citizens on false charges and ordered them to be executed. An Italian named Gavius happened to make his escape from the quarries and fled to Messina where, thinking himself safe, he publicly complained of his treatment, and said that he was going straight to Rome and would make his complaint when Verres came there. The people of Messina were the accomplices of Verres in some of his nefarious transactions, and Gavius was accordingly arrested and brought before a magistrate. Verres by chance came to Messina on the same day. On hearing of the complaint of Gavius he ordered him to be stripped in the public place and whipped most severely. As some pretext was necessary, Verres said that he had discovered that Gavius had been sent as a spy into Sicily by the leaders of the revolted slaves in Italy, but there was neither any evidence of the fact, nor even the slightest suspicion. To the appeal of Gavius that he was a Roman citizen Verres answered by ordering him to be crucified on the shore near Messina in sight of the Italian coast and of the country whose protection he claimed.

It is hardly possible that Cicero can have exaggerated in the case of Gavius. The facts were notorious to all the Sicilians and Romans in the island. The three years' government of Verres in a province so near to Rome will give us some idea of the sufferings that a more distant province might endure under a profligate governor. Verres may have been

the worst Roman that ever tyrannized over a subject people, but there were many other provincial rulers who were charged with gross oppression, injustice and violence. Some were brought to trial and convicted. Others escaped by bribery and the influence of powerful friends. There is evidence sufficient to show that during this period the administration of the provinces even under moderate governors was corrupt, and that most Romans viewed them as places in which they might repair their broken fortunes or add to their exorbitant wealth.

CHAPTER V.

LUCULLUS AND MITHRIDATES.

B.C. 72—67.

THE surrender of Cabira followed the flight of Mithridates into Armenia, and Eupatoria was shortly after surprised and taken. Amisus still held out under Callimachus, who by his mechanical skill and his fertile genius gave the besiegers a great deal of trouble, till at last Lucullus by a sudden assault got possession of part of the wall, and Callimachus seeing that all was lost sailed out of the harbour having first fired the city (B.C. 71). When the Roman soldiers saw the flames they were eager to break in and begin the work of plunder; and Lucullus, who wished to save the city and could not resist the clamours of his men, let them have their way, in the hope that if Amisus was sacked he might yet be able to prevent its destruction. But as the soldiers rummaged every place with lighted torches, they set fire to many fresh houses, and the conflagration was only quenched by a heavy rain which happened to fall through the special providence of the deity, as Plutarch reports. Lucullus restored the greater part of what had been destroyed. He also allowed those inhabitants who had left the place to return, and any other Greeks who chose to settle in the city, the territory of which he extended beyond the old limits. Amisus is said to have been originally founded by the Milesians, but the Athenians afterwards sent a colony there, and it happened when the town was taken by Lucullus that there were many Athenians in it who had fled from the tyranny of Aristion (vol. ii., p. 279). Lucullus clothed all the Athenians who had survived the

capture of the city, gave each of them two hundred drachmae and sent them home. Among the prisoners taken at Amisus was the grammarian Tyrannio. Murena, the son of L. Licinius Murena, who served under Sulla, was now with Lucullus, who at the request of Murena gave Tyrannio to him. Murena manumitted Tyrannio, which Plutarch blames, for the act of manumission implied that Murena considered Tyrannio as his slave, and by setting him free he established between himself and the learned Greek the relationship of patron and freedman. Lucullus did not approve of what Murena did; but if he really gave Tyrannio to Murena, the donation had no meaning, unless Tyrannio was viewed as a slave. Tyrannio was taken to Rome, where he arranged the library of Apellicon which Sulla had carried off (vol. ii., p. 321). Strabo the geographer says that he studied under Tyrannio, which must have been at Rome; and we learn from Cicero, who esteemed Tyrannio highly, that this Greek was well acquainted with geography. Tyrannio taught at Cicero's house Cicero's nephew Quintus, and, we may presume, his son Marcus also. He put in order Cicero's library, who expresses himself much pleased with Tyrannio's work. The orator's books appear to have been out of repair and in disorder. Tyrannio, with the assistance of two clerks of Atticus, put fresh covers on the books and made a catalogue of them.

As Pompeius (p. 27) had not succeeded in overtaking Mithridates, Lucullus sent his own brother-in-law Appius Claudius¹ to Tigranes to demand the surrender of the fugitive king. After the siege of Amisus Lucullus visited the province of Asia, which was in a wretched condition, owing to the exactions of the Publicani and the rapacity of the Roman money-lenders. The country was burdened with debt, which originated in the

¹ Plutarch, Lucullus, cc. 19, 21, 23, speaks of Appius Claudius being sent to Tigranes, and he names him a brother-in-law of Lucullus. In c. 34 he speaks of Publius Clodius, also described as a brother-in-law of Lucullus and at that time serving under him, as exciting the soldiers to mutiny. It is assumed by some critics that Plutarch has incorrectly given the man the name of Appius Claudius in cc. 19, 21, 23, but if we suppose that the name Appius is right in these chapters, Plutarch is consistent when in c. 34 he also describes Publius as the brother of Lucullus' wife.

contribution of the twenty thousand talents which Sulla had levied on the Asiatics for their rebellion (vol. ii., p. 316). Appian represents part of the contribution as still due, and he says that in order to get in the remainder Lucullus imposed on the people an income tax of twenty-five per cent., and also laid a tax on slaves and houses. But Appian's abridgment is often so unsatisfactory that, even if his facts are true, they are not intelligible for want of that which he has omitted. It is more probable that the contribution had been paid, and that the money was raised by a loan from the rich Roman capitalists, who lent it at a high rate of interest and enforced their claims without mercy. It is said that some of the provincials were compelled to sell their own children to satisfy the demands of their creditors, a statement which may be true and that the cities sold their sacred offerings, pictures and statues, which is very probable. Lucullus relieved the Asiatics by declaring that the rate of interest should be the one-hundredth part of the principal, or one per cent. for the month, according to the Roman practice. He cut off all the interest which exceeded the amount of the capital debt and "he declared that the lender should receive the fourth part of the income of the debtor, but any lender who had tacked the interest to the principal was deprived of the whole: thus in less than four years all the debts were paid and their property was given back to them free of incumbrance" (Plutarch). This explanation is not without difficulties, but it is somewhat helped by the statement that by adding the high rate of interest to the capital the lenders had raised the original twenty thousand talents to one hundred and twenty thousand talents, but Lucullus only allowed the creditors to take forty thousand, and so they would get back their capital and an amount for interest equal to the capital. The money-lenders were of course much dissatisfied with Lucullus, against whom they raised a great outcry at Rome, and damaged his credit by their influence with their debtors in the city, many of whom were engaged in political life and had occasion to apply to the capitalists for money.

Plutarch, who found some story of the mission of Appian to Tigranes, has related the circumstances, but as usual with

him not in all respects clearly. Appius was conducted by the king's guides through the upper country by a circuitous and tedious route, but as soon as he learned the direct road from a freedman, a Syrian, he quitted his barbarian guides, crossed the Euphrates and arrived at Antiocheia in Syria, where he waited for Tigranes according to the orders of the king, who was engaged in reducing to submission some of the Phoenician cities. It must be assumed that when Appius set out on his journey he knew that he was going to Antiocheia, and he would not cross the Euphrates, unless we make the very improbable supposition that his guides deceived him so far as to take him over the great river, in which case he must of necessity cross it again on his road to Antiocheia. Appius employed his leisure, while he was waiting for Tigranes, in intriguing with some of the princes and cities that paid the Armenian king a forced obedience.

Tigranes in the earlier part of his reign had extended his rule from the mountain plains of Armenia over the Parthian provinces of Atropatene (Azerbaijan) and Cordyene or Gordyene (Kurdistan), and as far south as Ninus on the Tigris, and Nisibis in Northern Mesopotamia. The sandy country of Southern Mesopotamia fixed a limit to the incursions of the Armenian king in that direction, but he made use of the Arabs who dwelt in the desert in tents, and "settled them near him that he might with their aid have the benefit of commerce" (Plutarch, Lucullus, c. 21), or, as we may understand it, encourage the commerce between the upper Tigris and Euphrates with the Syrian kingdom. This settlement seems to indicate the position of Osroene, occupied by the Arabes Orei, as Pliny names them, who adds that they are separated from Adiabene by the river Tigris. The cities of these Arabs were Edessa (Orfa) and Carrhae. In Syria the princes, who were the descendants of Seleucus, were quarrelling among themselves when Tigranes took possession of the kingdom (B.C. 83) and Antiochus X. or the Pius ceased to reign. According to Appian, Tigranes seized all the country as far south as Egypt; but this loose statement is incorrect, for the Jewish kingdom subsisted under Alexander Jannaeus and his wife Alexandra who succeeded him. Cilicia, which belonged to the Syrian

kingdom, also fell into the hands of Tigranes, who thus obtained a footing on the coast of Asia Minor. A satrap named Magadates administered the Syrian conquests. Tigranes was so elated with his success that he assumed the pompous title of king of kings, and had many of his subject princes around him. Four of them were always in attendance, and when the great man mounted his horse, they ran by his side in jackets: when he was seated and transacting business, they stood by him with their hands clasped together, an oriental fashion of expressing abject submission. When the king returned to Antiocheia, Appius, who was in no way dazzled by the barbaric splendour of the king of kings, delivered a written message from Lucullus, by which Tigranes was required to give up Mithridates to appear in a Roman triumph, and if the demand was refused, he was threatened with war. The king, though disconcerted by the impudence of the Roman ambassador, replied that he would not surrender Mithridates, and if the Romans attacked him, he would resist. He also sent a written answer to Lucullus, in which he did not address him as Imperator, because Lucullus in his letter to Tigranes had not given him the title of king of kings. Here, as we learn from the excerpts of Photius, terminated the fifteenth book of the historian Memnon.

Notwithstanding this answer Tigranes may perhaps have thought that it was safer to gain the envoy if he could, and he sent him splendid presents, but Appius refused to accept them, and when more were sent, not wishing to offend the king, he selected a goblet and returned all the rest.

Up to this time Tigranes had refused to see his fugitive father-in-law, and had kept him like a prisoner in an unhealthy place for twenty months, but he now sent for him and professed friendship. The reasons of this change may be explained by the threat of the Roman envoy. In a secret conference the two kings attempted to remove their mutual suspicions by throwing the blame on their friends and advisers. One of these was the rhetorician Metrodorus of Scepsis in the Troad, who must now have been an old man, for the Roman orator L. Crassus had heard him in Asia nearly forty years before (vol. ii., p. 88). The rhetorician had pushed

his way in the world since Crassus saw him. He was once poor, but his reputation gained him a rich wife, a woman of Chalcedon; and by flattery he won the favour of Mithridates, whom he and his wife accompanied to Pontus, probably at the time when Sulla compelled the king to retire from Asia. The king made Metrodorus judge of a supreme court and gave him all his confidence. Plutarch reports that Metrodorus had once been sent by Mithridates to Tigranes to ask for aid against the Romans, but that he had for some reason privately advised Tigranes to refuse his master's request. Tigranes now informed Mithridates of his envoy's treachery, and Mithridates put him to death. He had indeed for some time disliked Metrodorus, which was proved, as Plutarch states, by the private papers of Mithridates which afterwards fell into the hands of the Romans. Tigranes, who was sorry for what he had done, gave Metrodorus a pompous funeral. Strabo says that Metrodorus being in danger from his enemies who were about the king took the opportunity of the mission to Tigranes to desert his old master; that Tigranes however sent him back to the king after his flight from Pontus, and Metrodorus died during the journey, but whether by a natural death or by the king's order he did not know, for both reports were current. Another Greek adventurer and rhetorician, named Amphicrates, was with Tigranes, and in favour with his wife Cleopatra, the daughter of Mithridates. He also fell under suspicion, and being kept in confinement starved himself to death, and received an honourable interment from his royal patroness.

The siege of Heraclea (p. 20), which began about the time when Lucullus advanced eastward against Mithridates, was not concluded until B.C. 70. Cotta could only attack the town on the land side, and though he brought a formidable testudo against the walls, he was unable to make a breach in them. Upon this failure, leaving a small force to watch the town, he withdrew the rest of his men to a spot where he had a good supply of provisions, and making excursions from his new position he wasted all the country round Heraclea and reduced the citizens to great straits. As the townsmen were still masters of the sea, they sent to the Chersonesus (Crimea), to

the town of Theodosia and other places for supplies and help. But the worst enemy that the city had was the troops of Connacorex, who formed the garrison. These men were not content with the same fare as the people, and they attempted by blows to get out of the Heracleots what it was not in their power to furnish. After ravaging the country Cotta again brought up his men to the walls of Heraclea, but he found that they had no spirit to renew the assault, and as the inhabitants were still supplied by their ships, there was no prospect of starving them into surrender. Accordingly Cotta summoned Triarius with his fleet of forty-three ships, twenty of which were Rhodian. The Heracleots opposed the Roman commander with thirty ships imperfectly manned, out of which they lost fourteen in a naval engagement. After their victory the Roman vessels entered the great harbour and stopped all supplies from being brought in. The scarcity of provisions in Heraclea soon showed itself by a great rise of prices, which was followed by a pestilence of which Lamachus died, and one-third of the garrison of Heraclea. Connacorex now began to consider how he should save himself, and he saw no way of escape except by betraying the town to the Romans. A man named Demophiles, who had succeeded Lamachus, joined Connacorex, and the two traitors agreed to surrender Heraclea to Triarius, for they would not trust Cotta. It was suspected that Connacorex was going to betray the place, and a public meeting being called, one of the chief men of Heraclea entreated Connacorex to make terms with Triarius for the whole town. Connacorex said that they ought not to think of surrendering, and he pretended that he had letters which informed him of Mithridates being kindly received by Tigranes, and that help might soon be expected. The citizens believed the story, and Connacorex taking advantage of their confidence embarked his men by night, with all that they had, and Demophiles opened the city gates to the Romans. Some of the soldiers came in by the gates, while others climbed over the walls, and the Heracleots now saw they had been deceived. Some of the inhabitants gave themselves up, others were massacred, and all the valuables that could be found were seized by the soldiers, who were guilty of

great cruelty. Irritated by what they had suffered during the siege they did not spare even those who fled to the temples. Some made their escape over the walls and were dispersed about the country; and others sought protection even in Cotta's camp, and gave him the first intimation that Heraclea was taken and given up to plunder. In great indignation he hurried to the city with his men, who were as much vexed as the commander at being deprived of the honour and the profit of the capture; and if Triarius had not prudently pacified the troops of Cotta by promising that they should have their share of the booty, the men of Triarius and Cotta would have turned their arms against one another.

Triarius was sent by Cotta in pursuit of Connacorex, who had occupied Tius at the mouth of the river Billaeus, and also Amastris (Amasserah) on the coast further east. The occupation of these places by Connacorex was supposed to be merely a trick to colour his base betrayal of Heraclea and of the people whom it was his duty to defend. He surrendered both towns to Triarius on conditions favourable to himself. Cotta had now the opportunity of following his own inclinations. He took possession of all the captives, and sacked Heraclea completely, not sparing even the temples. He carried off both statues and other ornaments of great price, and among them a famous statue of Hercules from the market-place. He took also from the pyramid, as Memnon names it, which we may assume to be the pedestal of the statue, the decorations fastened upon it, which were unequalled for costliness, beauty and artistic skill. There was the club made of pure hammered gold, the huge lion's skin spread over it, and the case also of gold which contained the bow and arrows. The greedy Roman loaded his ships with the precious spoils of Heraclea, and then set fire to the town. This was the end of a two years' siege, during which the place had made a stout resistance. Cotta having finished his inglorious campaign sent off his cavalry and infantry to Lucullus, dismissed his auxiliaries, and set sail for Rome with his plunder; but some of his ships being too heavily laden broke up soon after they left port, and others being driven on the shallows by a north wind only escaped by throwing overboard part of the

cargo. During his government of Bithynia, Cotta had dismissed his quaestor P. Oppius on the ground of corruption or malversation and attempting his life, and when Cotta returned to Rome, he prosecuted Oppius, who was defended by Cicero, perhaps in B.C. 69. There are only a few fragments of Cicero's speech. Cotta himself was prosecuted for his rapacity in Bithynia, and, as we may conjecture, for appropriating the plunder of Heracleia, and he was convicted.

After settling the affairs of Asia, Lucullus made himself popular during his residence at Ephesus by festivals in commemoration of his victories and by games and fights of gladiators. The cities proved their gratitude, as they had done to Q. Mucius Scaevola, afterwards Pontifex Maximus, by instituting a festival named after Lucullus, and the people showed not only respect but real affection to their governor for his kind treatment. But the war now demanded the attention of Lucullus, and leaving the province Asia he marched eastward. According to Appian's chronology, which is confused, Lucullus took Sinope before he settled the affairs of Asia, but Plutarch states that Sinope (Sinab) still held out when Lucullus a second time (B.C. 69) advanced against the enemy.

This flourishing Milesian colony was situated on the north shore of the Euxine, and west of the river Halys. It stood on a small peninsula, connected with the mainland by a neck about twelve hundred feet wide, which was entirely shut up by that part of the city which touched the isthmus. The peninsula was level and easily approached on the land side, but the coast was a precipitous cliff. On each side of the isthmus were ports and ship-wharfs, and places in which were caught great quantities of the pelamys or young tunny fish, which came from the sea of Azof, and after passing Sinope issued from the Euxine by the Thracian Bosphorus and were taken again at Byzantium. Mithridates had left a Greek named Leonippus in command of Sinope, but there were associated with him Cleochares and Bacchides, and also the pirate Seleucus, who had saved the king when he was in danger of being wrecked. Leonippus finding that he could not hold the place had proposed to Lucullus to surrender, but

his fellow commanders suspecting his designs assassinated him. The party of Cleochares now ruled with tyrannical severity, and the people of Sinope had enemies both outside and inside the town. It happened at this time that the Roman commander Censorinus, arriving at Sinope from the Crimea with fifteen vessels loaded with corn for the supply of the Roman army, was attacked by the squadron of Sinope under Seleucus, who defeated the Italian navy and carried off all the corn ships. This success increased the confidence of the commanders in Sinope, and they treated the citizens still worse. But Cleochares and Seleucus could not agree. Cleochares wished to defend the place to the last. Seleucus proposed to kill all the citizens and sell the place to the Romans.

As they could not come to terms, it was settled at last that they should send their treasures to Colchis to Machares, the son of Mithridates. About this time Lucullus arrived at Sinope, and it was now, as Memnon reports, that Machares sent to Lucullus and proposed an alliance, which was accepted on condition of Machares forwarding no aid to Sinope. Machares not only complied with this condition, but he even sent to Lucullus the supplies which had been intended for the commanders of Mithridates. Cleochares and Seleucus being unable to make further resistance loaded some vessels with all that was worth carrying off, allowed their men to plunder the town, and after firing the ships which they left behind set sail eastward to the country of the Saneges and Lazi. Lucullus seeing the blaze brought the scaling ladders up to the walls and his men entered the city. The Roman general was a humane man, and according to one authority he soon stopped the slaughter which his soldiers were making; but according to other authorities eight thousand of the Cilicians, who had been left in the place, were massacred. Lucullus did not rob Sinope. He only took the sphere of Billarus, and a statue of Autolycus the mythical founder of Sinope, the work of the sculptor Sthenis, which the fugitives in their hurry had left on the beach. Lucullus treated the people of Sinope with great mildness and declared the city free. Amasia surrendered shortly after.

Appius Claudius had returned and brought the answer of Tigranes, which was considered a declaration of war. It was reported also that Mithridates and Tigranes were going to enter Lycaonia and Cilicia, and to commence hostilities. Lucullus left Sornatius in Pontus with six thousand men, and set out himself with a small force on a campaign through a difficult country. If he had only two legions and a few hundred horse, as Appian states, the force seems insufficient for such an enterprise, but Roman discipline made a small number of men a match for an oriental multitude, and it might have been impossible for a large army to find subsistence in the countries into which Lucullus was going to penetrate. He had however some Thracians in his pay, and some Galatians or Asiatic Gauls of Galatia. When Lucullus entered Cappadocia, he was well received by the king Ariobarzanes. Continuing his march to Melitene he reached the Euphrates, which was swollen by the melting of the snow on the mountains of Armenia in the spring of B.C. 69. The river however began to fall and in one night the bed was nearly dry and the Romans passed without difficulty; or to take the more sober narrative, Lucullus carried his men over on rafts which had been prepared in the previous winter.

A happy omen awaited the Romans on the other side of the river. In that country there were cows sacred to a goddess Artemis, who was greatly venerated. These cows, which were used only for sacrifice, wandered about with a brand on them which represented the torch of the goddess. When the army had crossed the Euphrates, one of the cows, which were difficult to catch when they were wanted, came to a rock which was considered sacred to the goddess, and there laying down its head offered itself to Lucullus for sacrifice. At the siege of Cyzicus a cow had in like manner presented itself at the altar (p. 15). Religion was an instrument which a prudent Roman general knew how to use in order to work on the superstitious fears of his men; and such stories as this of the cows, if they have any foundation, are only evidence of a Roman commander's cunning and the credulity of Roman soldiers. Though the events of this period and those of some centuries earlier belong to an historical age, yet prodigies and

wonders had never failed, and indeed the records of history from this time forward abound in miraculous stories.

The army was now in the country named Sophene. The people did not wish to take part in the contest, but they furnished the Romans with supplies and were left unmolested. The soldiers however were looking out for plunder, and they murmured as they were led past a fortress, which was supposed to contain much wealth, but Lucullus pointing to the distant mountains told his men that there was the fortress which they must take first. The march was still continued and the upper waters of the Tigris were crossed somewhere north of the thirty-eighth degree of latitude. The march of Lucullus was directed towards the head-quarters of the Armenian king, who was kept ignorant of the approach of the enemy. Tigranes was hated and feared, for both his pride and his cruelty were intolerable. The first man who brought the news of the Romans had his head cut off; and when Mithrobarzanes, one of the king's friends, ventured to tell him the truth, he was immediately sent at the head of a few thousand cavalry and a large force of infantry with orders to bring Lucullus alive and to trample down his army. Part of the Roman force was preparing to halt and the rest were still on the march, when a scout announced the approach of the enemy. While the general was working at his camp, he sent one of his legati, Sextilius, with sixteen hundred horse and a few other troops to watch the barbarians until the camp was made. But Sextilius was compelled to fight by Mithrobarzanes, who boldly advanced against him. The Armenian commander fell in the contest, and his men turned their backs and were cut to pieces except a small number.

Tigranes, who was at his new town Tigranocerta, now left the place and retreated to the mountains for the purpose of collecting his troops, but Lucullus, whose success depended on destroying the king's force in detail, sent Murena to cut off those who were going to join Tigranes. Sextilius also was sent against a large body of Arabs, who were coming to the aid of the king, and falling on them as they were encamping he killed most of them. The king himself, as he was passing with his army through a narrow defile, was attacked by

Murena, who took all his baggage. Tigranes escaped, but many of his men were killed or taken prisoners.

A man, whom Appian names Mancaeus, commanded in Tigranocerta, which was defended by a wall fifty cubits high, as we are told, and so thick that the stables for the horses were made in the lower part of the wall. In the suburbs the king had built a palace and around it he had large parks, hunting grounds and fish ponds. Sextilius took possession of the palace, and surrounded the city and a strong fort that was near it with a line of siege works in Roman fashion. He then brought up his engines to the walls and also endeavoured to undermine them, but the defence was vigorously sustained, and the enemy burnt the Roman engines with naphtha or rock oil, which is found abundantly in the parts on the Tigris.

Tigranes had peopled his new city with Greeks and Asiatics, whom he compelled to leave their homes with all their coin and sacred things to add to the splendour of the place. It was a rude barbarian idea thus to force a city to unnatural growth, but perhaps there was some policy in bringing together the wealth of Asia and making the owners defend it. Lucullus pressed the siege of a town which contained so rich a booty, but his object was also to provoke Tigranes to a battle, which would save the Romans the trouble of pursuing their enemy through the mountains of Armenia. Though the city was invested, a detachment of six thousand sent by the king made their way through the Roman lines by night to the fort which contained the royal concubines, and carried them off with the best part of the king's treasure. When day dawned, the Romans and the Thracians made a fierce attack on those of the enemy who were still on the spot, and slaughtered and captured many of them. The women and the treasure reached the king in safety.

Lucullus was still about Tigranocerta when the Armenian king approached. Mithridates by his letters and messengers had urged Tigranes not to fight with the Romans, but to cut off their supplies by his numerous cavalry, which was good advice. Taxiles also, who had seen the Romans under Sulla (vol. ii., p. 291) and was now with Tigranes, entreated the king to act on the defensive against an enemy who was invincible.

The king at first was inclined to follow this advice, but when he saw around him his mighty army swelled by contributions from all the nations between the Caspian and the plains of Babylonia, he was persuaded by his flatterers that he would gain an easy victory. Taxiles narrowly escaped with his life because he opposed the king's counsel, who also thought that Mithridates was only moved by envy and wished to prevent him from defeating the Romans. Accordingly the Armenian king, elated by the strength and splendour of his force, determined to try a battle. It is very unlikely that Tigranes himself knew how many men he had, nor would the Romans be able to count them. All that is reported was contained in a letter of Lucullus to the Roman Senate, quoted by Plutarch probably either from Sallust or Livy. Tigranes had twenty thousand bowmen and slingers, fifty-five thousand horsemen, of whom seventeen thousand were in mail armour, and one hundred and fifty thousand infantry, some of whom were drawn up in cohorts after the Roman fashion, and others in phalanx. He had also road-makers, bridge-makers, timber-cutters and labourers of various kinds to the number of five and thirty thousand, who were placed behind the fighting men, in the rear of the army and at the foot of an eminence which was crowned by a level space. These numbers added to the imposing appearance of the army, but the disposition of his forces turned out to be the cause of the king's defeat, for he neglected to occupy this height which was in the rear.

When the army of Tigranes appeared on the heights above Tigranocerta, the barbarians in the city clapped their hands with joy, thinking that their deliverance was nigh, and pointed from the walls to the Armenian forces. Lucullus left Murena with six thousand men to maintain the siege, and took his position in a plain on the banks of the river on which Tigranocerta stood. The river is named Nicephorius by Tacitus, but this word is Greek, apparently given in commemoration of some victory, and the native name is unknown. The force of Lucullus was only ten thousand legionary soldiers, with some cavalry, and a thousand slingers and bowmen. Frontinus in round numbers makes the force of Lucullus fifteen thousand. Livy observed that the Romans

never fought with such inferiority of numbers, for they were not the twentieth part of the enemy. The Armenian king and his commanders amused themselves with sharp sayings and jokes at the contemptible appearance of the Roman army. At daybreak Lucullus led his men to battle. Tigranes was on the east side of the river, which in these parts made a bend to the west, and Lucullus moved at first in that direction because he would find a ford there. The king thought that the Romans were flying, but he was soon undeceived. They were soon seen preparing to ford the river, and the king in amazement called out, "What, are they coming against us?" and began to set his army in order. He put himself in the middle, with the left wing under the king of the Adiabeni, and the right under the king of the Medes, as Plutarch names him, probably the king of Atropatene. When Lucullus was going to cross the river, some of the officers told him to beware of the day, for it was a black day in the Roman Calendar, the sixth of October on which Caepio and his army had been defeated by the Cimbri (vol. ii., p. 8). Lucullus replied, "Well, I will make it a lucky day for the Romans."

After crossing the river the Romans advanced against the enemy led by their brave commander, whose experienced eye showed him the way to victory. The mailed cavalry of the enemy was under the eminence already described, which was only about half a mile distant. Lucullus ordered his Thracian cavalry and his Galatians to fall on the flanks of the mailed horsemen and to beat aside their spears with the sword. The Armenians could only use their spears, for they were encumbered by their heavy rigid mail, and as Plutarch well describes it, they looked like men walled up in their armour. When the Thracians and Galatians had provoked the enemy's cavalry and drawn them on to attack, they were ordered to retire that the barbarian line might be broken by engaging in a pursuit. Lucullus with his infantry in the meantime gained the summit of the hill which was in the rear of the enemy, and when he saw the Armenian cavalry following the Romans in disorder, he cried out, "Soldiers, we have won the victory!" His men now descended the hill with a run, and falling on the enemy's baggage-train drove it right upon the infantry, and

the infantry giving way before the shock came upon their own cavalry, and thus the whole barbarian army was thrown into confusion. Flight was impossible, for the closeness and depth of the enemy's columns stopped the way, and they fell by thousands under the sword of the Romans, and trampled down one another in their frantic efforts to escape. The ground was strewn with the decorations of the Asiatics, armlets, neckchains and other valuable things, but no man was allowed to stop to plunder. For more than twelve miles the Romans hung on the flying crowd, and the pursuit was only stopped by night, when the conquerors turned round and picked up the spoils of their victory.

Tigranes rode from the battle-field with his son, and as the danger of being captured was imminent he took off his diadem and presented it to the youth, telling him to save himself as he could by flying in some other direction. The son, instead of putting the diadem on his head and thus inviting pursuit, gave it to a faithful slave, who was taken, and the diadem with other booty of Tigranes fell into the hands of the Romans. It was said that one hundred thousand of the enemy's infantry perished and that few of the cavalry escaped; and this statement which is sufficiently wonderful is further heightened by the contrast with the loss on the Roman side, which was a hundred wounded and five killed. Appian, Frontinus and Orosius state that Mithridates was with Tigranes before the battle, but Plutarch says that he was on his way to join the Armenian king, and heard of his defeat from the fugitives whom he met. Mithridates immediately set out to seek Tigranes, whom he found in a wretched condition, but instead of retaliating for the insults that he had received from his son-in-law, he condoled with him and encouraged him to hope for better things.

Mancaeus, who saw from the walls of Tigranocerta the king's ignominious flight, immediately disarmed all the Greeks, or according to Appian, the Greek mercenary soldiers in the place, for he could no longer trust them. The men then went about in a body armed with clubs and encamped by themselves, whereupon Mancaeus sent his barbarians to attack them. The Greeks throwing their garments over the

left arms as a shield boldly met their assailants, and by distributing among themselves the arms of those whom they killed, they were soon strong enough to seize part of the walls and to aid the Romans in forcing their way into the city. One extant authority states that the king's commanders gave up Tigranocerta and bargained for their own safety. An immense booty was found in the place. Lucullus is said to have appropriated to himself "the treasures in the city," which may mean the king's property, for he allowed his men to sack the town, which contained eight thousand talents in coined money and other valuable things. Lucullus also gave each man eight hundred drachmae (denarii) out of the produce of the spoils.

Many actors were found in Tigranocerta, whom the king had got together for the opening of a great theatre, which he had built, and they were now employed by Lucullus in the games and shows in honour of his victory. The Greeks in the town were sent home and supplied with money for their journey, and also the barbarians who had been compelled to settle there. The wives of many men of rank were taken in the city, but Lucullus protected them from insult and thus gained the goodwill of the husbands. The mild behaviour of the Roman general subdued the neighbouring chieftains more easily than his arms would have done. A certain Arab named Alchaudonius made his submission, and Antiochus king of Commagene. The Sopheni also declared for him against Tigranes; and the Gordyeni, who inhabited a mountain tract east of the Tigris and south of Lake Van. The king of this country, named Zarbienus, who paid a forced obedience to Tigranes, had entered into communication with Appius Claudius during his mission to the Armenian king, but this treachery was reported to Tigranes, who put him to death with his wife and children before the Roman troops invaded the Armenian kingdom. On entering Gordyene, Lucullus made a splendid funeral in honour of Zarbienus, and ordered a costly monument to be raised to his memory, the expense of which would be more than furnished out of the precious metals found in the royal palace. It is not said, though it seems to be implied by Plutarch's narrative, that Lucullus

took possession of the king's treasure; but he certainly supplied food for his army out of the three million medimni of wheat which were stored up in Gordyene, and he had the credit of maintaining a war in these remote parts without receiving a denarius from the Roman treasury. But the enemies of Lucullus were actively employed at Rome in destroying his popularity: they said that he was prolonging the war for the sake of enriching himself.

While Lucullus was in Gordyene he received offers of alliance from the Parthian king Phraates, whose possessions in Mesopotamia had been seized by Tigranes. Lucullus sent Sextilius to the Parthian, who had already entered into negotiations with Mithridates and Tigranes, and had received a promise of Mesopotamia and Adiabene as the price of his alliance, as an obscure passage in Memnon seems to state, and this interpretation appears to be supported by a passage in the letter of Mithridates to the Parthian, which Sallust has inserted in his histories. This fictitious letter, composed by Sallust according to his notions of historical writing, recapitulates the Roman acts of aggression in the East from their wars with king Philip of Macedonia to the defeat of Tigranes near Tigranocerta. The object of this address to the Parthian was to induce him to join Mithridates and Tigranes against the Romans by showing that, if they all united, they might destroy the army of Lucullus, which was without supplies and without any auxiliary troops. On the contrary, if the Romans according to their settled policy should succeed in subjecting all the kingdoms as far as the Parthian, they would attack that country next, and Phraates would share the fate of the other kings of Asia. Sextilius, while he was on his mission, discovered that the Parthian king was playing double, and upon this report Lucullus resolved to punish Phraates for his perfidy. Accordingly he ordered Sornatius and the other Roman commanders in Pontus to lead their troops to Gordyene, from which country he intended to march eastward; but the mutinous disposition of the soldiers in Pontus spoiled his design. These men, who had hitherto been difficult to keep under good discipline, now became ungovernable, and instead of obeying the orders of Lucullus they

declared that they would not stay even in Pontus. The soldiers in Gordyene heard of the mutiny of their comrades and were ready to follow their example: they said that they had done enough and were entitled to repose. They had made large booty also, which was probably the chief cause of their unwillingness to go on so hazardous an expedition, for they naturally wished to keep what they had won.

Lucullus therefore gave up his Parthian expedition, if he ever seriously entertained such a design, and led his men against Tigranes and Mithridates, who had collected a fresh army, the command of which was given to Mithridates by Tigranes, who was either made wiser by his defeat or was afraid of a second disaster. The king of Pontus of course wished to recover his kingdom, and for this purpose he laboured to rouse the East against the invaders from the West by exciting their fears of the progress of Roman conquest, as Sallust has represented in his fictitious letter; and Cicero adds that the Orientals were stirred up against Lucullus by a general belief that the Roman army had been brought into those remote parts to plunder a rich temple of great sanctity. But all Cicero's talk about the campaign of Lucullus is so vague that it is impossible to extract a fact out of it (*De Imp. Cn. Pomp. c. 9*). Mithridates had fabricated armour in the towns, and made a conscription all through Armenia, but he took only the best of the men, and gave them to Pontic commanders to train in the Roman discipline. His whole force is said to have been seventy thousand infantry and thirty-five thousand cavalry, as Appian reports; but Phlegon quoted by Photius reduces this number considerably. It was the middle of summer before Lucullus advanced northward, and the year was the consulship of Q. Marcius Rex, or B.C. 68. The Roman army crossed the mountains west of Lake Van, which separate the basin of the Tigris from the basin of the Euphrates, but in this elevated country they found the fields still green, and the harvest was not ready. The time then might be June. However Lucullus defeated the Armenians who ventured to attack him, and by plundering the places in which Tigranes had stored his grain, he fed his own army and reduced the enemy to straits. As

Lucullus could not bring the two kings to fight a decisive battle, he determined to advance upon Artaxata, the royal residence of Tigranes, where he had placed his young children and wives. Artaxata stood on the Araxes (Aras), a large river which flows past the base of the huge mass of Ararat and is joined by the Cyrus (Kur) before it enters the Caspian Sea.

The site of Artaxata is not certain, but it is described as standing on a peninsula formed by the river: the wall ran all round the city along the course of the stream, and the isthmus was defended by a ditch and rampart. If Lucullus had reached the place, it is not probable that he could have taken such a stronghold. Tigranes however did not allow Lucullus to advance on his capital without opposition, but "moving with his forces on the fourth day, he encamped opposite to the Romans, placing the river Arsanias between him and the enemy, which river the Romans must of necessity cross on their route to Artaxata" (Plutarch). Appian's narrative of this campaign is quite useless: it contains no notice either of time or place; Plutarch's story, which was probably taken from Livy's ninety-eighth book, though it has his usual faults, is intelligible.

The river Arsanias is the upper part of the great branch of the Euphrates, the Murad-Su, which comes down from the high lands of Armenia north of Lake Van. If the site of Tigranocerta is fixed with any probability at Sert on the river of Bitlis, Lucullus would follow the line of the Ten Thousand, who crossed the Kara-Su, a small tributary of the Murad-Su, and then reached the Murad-Su itself, which Xenophon names the Euphrates. After making a sacrifice Lucullus led his army across the Arsanias at a ford, as we must assume. He had twelve cohorts in front and a reserve to protect his flanks. On the other side of the river the enemy had placed their choice cavalry, and in front of them the Mardi, who were mounted archers, and Iberians who were armed with spears. After a slight skirmish with the Roman cavalry the Armenian horse did not venture to wait for the attack of the infantry, but separated into two parts and fled pursued by the Roman cavalry. At this moment the cavalry that was about Tigranes

advanced against the Romans, on which Lucullus recalled his own horsemen from the pursuit and prepared to receive the attack of this large mass, which presented a formidable appearance. But it was only an appearance. Before they came to close quarters the enemy broke and fled. Both Mithridates and Tigranes are said to have been on the ground, and Mithridates is charged with being the first to run. The pursuit was continued for a great distance, and all night long too, as we are told, but we may reject this part of the story. Livy, as quoted by Plutarch, says that a greater number perished in the former battle, but more men of rank fell in this battle, or were made prisoners.

Encouraged by this success Lucullus led his men forward with the design of reaching Artaxata. It was now the autumnal season about the equinox, and the Romans were on the high lands of Armenia, which the Greeks under Xenophon crossed in their retreat from Cunaxa. In these elevated regions the cold season commences early and it freezes sharp in the nights of September. The army marched amidst rain and snow. When the sky was clear, there was frost. The water of the rivers was too cold for the horses to drink, and the streams were difficult to ford, for the ice broke and cut the horses' legs. The soldiers were continually drenched with rain or loaded with snow while they were marching, and at night they lay on the wet ground. In a few days the sufferings of the men were intolerable: they begged Lucullus to retreat and sent the tribunes to remonstrate. At last they were in a state of mutiny, and Lucullus in vain attempted to prevail on them to follow him to Artaxata. The men were wiser than their general, who was compelled at last to desist from an expedition which at this season of the year would probably have ended in the destruction of his army. This foolish expedition gives us reason to doubt about the good sense of the Roman commander. However he now led his men back by a different pass over the mountains, and at last reached the rich plains and warmer climate of the northern part of Mesopotamia to which the Greeks had given the name Mygdonia. We can only conjecture by what direction Lucullus retreated, but as he did not take the road by which he

entered Armenia, and his purpose was to reach Nisibis, he would leave the table-land by some road further west, and cross the upper Tigris.

The narrative of Dion makes us suspect that Plutarch's story, whatever authority he followed, may not be quite correct. Dion states that Lucullus set out on his expedition in the middle of summer, and he adds the true remark that it was not possible to enter the enemy's country in spring on account of the cold. Lucullus endeavoured to provoke the barbarians to a fight by ravaging their country, but as the enemy declined a battle, Lucullus attacked them, and the barbarian horse being afraid of the Roman infantry, which supported the cavalry, took to flight before Lucullus could come to close quarters. The enemy's mounted horse were followed by the Romans, but they suffered less than their pursuers, some of whom were killed by the arrows of the flying horsemen and more were wounded. The wounds were severe and difficult of cure, for the arrows had double barbs, fitted in such a way that whether the arrows remained in the body or were pulled out, they soon caused the death of the wounded men, one of the two barbs always being left in the wound. Supplies now began to fail the Romans, and Lucullus led back his men and took them to Nisibis. This narrative makes it probable that the story of the flight of Mithridates is a fiction; or that the king seeing Lucullus advance into the high lands of Armenia at such a season, left Tigranes with his horsemen to annoy the enemy and made active preparations for recovering his lost kingdom.

The town of Nisibis (Nisibin) in thirty-seven degrees north latitude now contains only about a hundred well-built houses and a dozen shops kept by Christians. It stands on the west side of a small stream, which is sometimes swollen by the rains, and then it becomes a broad river. After being increased by other smaller streams it flows into the Khabur, which joins the Euphrates on the east side. Nisibis had been taken from the Parthians by Tigranes, who placed in it for sure keeping his treasure and most of his property. Lucullus began the siege in the summer season, as Dion reports, which is directly contrary to Plutarch's statement that Lucullus

desisted from his expedition against Artaxata by reason of the approach of winter. But perhaps the discrepancy may be reconciled by the fact that it would still be warm at Nisibis, when the highlands of Armenia were covered with snow. The town, which was defended by two thick brick walls separated by a ditch, resisted the attacks of Lucullus until the commencement of the winter, when the enemy being confident that the Romans must soon raise the siege relaxed their vigilance. Lucullus took advantage of a dark night and a thunder-storm accompanied with heavy rain to assault the place. As the inclemency of the weather had driven the defenders except a few from the outer wall and the ditch, the Romans mounted this wall from the earth-works which they had raised against it, and killed the men whom they found there. The bridges over the ditch had been broken by the besieged, but the Romans filled part of it with earth, and without any further resistance either from arrows or from fire, neither of which could be used in such a tempest, they got possession of the place. Those who fled into the citadel surrendered on terms, and among them was Gouras, a brother of Tigranes, and the nominal commander of Nisibis; but the man who by his experience and mechanical skill had so long baffled Lucullus was the Greek Callimachus. Gouras was treated kindly, but Lucullus remembering the conflagration of Amisus put Callimachus in chains (p. 73). The Romans found a rich booty in Nisibis and passed the winter there.

With the capture of Nisibis the good fortune of Lucullus was terminated. His difficulties were caused by his own men. Though he was a good general, he did not attempt to gain the affections of his soldiers, and he imposed on them heavy service, while at the same time he was inexorable in punishing breaches of discipline. It is said also that he was not affable to his chief officers, and thought that no man had any merit except himself. In fact he had a difficult task in maintaining discipline, since Sulla had corrupted the Roman soldier in order to accomplish his own ends. Sallust, who is quoted by Plutarch, says that the men were dissatisfied with Lucullus even during the blockade of Cyzicus, and again at the siege of Amisus. They were also dissatis-

fied with the winters of the subsequent campaigns, for they were either in a hostile country or encamped among their allies under the bare sky. Lucullus never entered a Greek and friendly city with his army. He had no doubt good reasons for keeping his men out of the towns: he wished to conciliate all the Greeks, and he knew that he could not maintain discipline if the soldiers were let loose among them. The soldiers who loved license and plunder were not pleased with the general's severe discipline, and they were encouraged in their mutinous temper by the emissaries of the enemies of Lucullus at Rome, who charged him with protracting the war through love of power and greediness. There may have been some truth in this charge, for Lucullus acquired great wealth in this Asiatic campaign, and afterwards spent it with royal magnificence.

The worst enemy of Lucullus was his brother-in-law P. Clodius, who was now with the army, and was dissatisfied because he thought that his merit was not sufficiently rewarded. He secretly encouraged the soldiers to mutiny, and particularly Fimbria's men, who some years before had been persuaded to murder the consul Valerius Flaccus (vol. ii., p. 308) and to choose Fimbria for their commander. These two mutinous legions were left in Asia by Sulla, and though their numbers must have been greatly diminished since the year B.C. 84, there may have still been enough of them left to ruin the discipline of the army. These men had served their time long ago and been discharged, but they offered their services again, and were accepted probably because Lucullus wanted men. In the camp before Nisibis the soldier's friend, as Clodius was called, found willing listeners when he spoke of the hardships that the men suffered and the little that they got, while they were compelled to look after the waggons and camels of Lucullus, which were loaded with cups of gold set with precious stones. He told them that the soldiers of Pompeius were now living quietly on their lands with wives and children, though they had only fought with exiles in Spain and runaway slaves in Italy. Thus while Lucullus was spending the winter at Nisibis, his men were corrupted by his brother-in-law, and were expecting that Pompeius or somebody else

would soon arrive from Rome to supersede Lucullus. We might wonder why Lucullus allowed the conduct of Clodius to pass unpunished, but Dion observes that Lucullus was often absent in various places while his men were enjoying themselves at Nisibis during the winter season.

According to Dion's narrative Tigranes employed his forces in Armenia, and did not attempt to relieve Nisibis, which he believed to be impregnable. Mithridates was sent into his own kingdom. In Armenia Tigranes found the Roman commander L. Fannius, who is supposed to be the former partisan of Sertorius (vol. ii., p. 473). If this conjecture is right, Fannius must have submitted to Lucullus and been placed at the head of some troops. Tigranes blockaded Fannius until Lucullus came to his relief; but this is all that is said, and the narrative is left imperfect.

Mithridates returned to recover his kingdom with four thousand of his own men and four thousand more who were supplied by Tigranes. Many Romans who were found rambling about the country were surprised and killed by the king's troops. M. Fabius, the Roman commander, who had been left in Pontus to secure the conquered country, was unable to maintain himself in the field. The people still had some attachment to their king and his dynasty, and they hated the foreign intruders who treated them harshly. Fabius had under him some Thracians, who had formerly been in the service of Mithridates, and they were now sent out to reconnoitre. These men deceived the general by their report, and he was suddenly attacked on his march by Mithridates. At the same time the treacherous mercenaries turned upon the Romans, aided by the camp slaves whom Fabius had armed, a circumstance which shows that he was in want of men. Fabius was only saved from total destruction by the accident of Mithridates being wounded, which stopped the fight, and Fabius made his escape, probably to Cabira in Pontus, for the next thing that we hear of him is that he was blockaded in this city by Mithridates.

L. Valerius Triarius, who had been left in Asia and was now on his march to join Lucullus, heard of the danger of Fabius and came to relieve him. Triarius and Mithridates

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were going to engage in battle, when a violent storm threw down the tents of both armies, scattered their baggage beasts and even killed some of the men. Another version states that Mithridates retreated before he saw Triarius, for he was afraid that the whole Roman army was advancing against him. Whatever may have been the cause, the king retired to Comana in Pontus on the river Iris, now probably the site of Gumenek on the Tocat-Su, and Triarius followed him. As the Romans were approaching, Mithridates crossed the river which was between him and the enemy, with the intention of attacking Triarius while his men were still wearied with marching. He ordered a division of his army to cross by another bridge as soon as the battle began and to fall on the Romans. The king and the enemy were maintaining the fight vigorously when the bridge over which the king's troops were advancing broke down. This accident deprived Mithridates of the aid on which he had relied and spoiled his plan of battle. The combatants separated, for it was now winter, and retired to their several strongholds. This was the end of the year B.C. 68. The consuls for B.C. 67 were C. Calpurnius Piso and M'Acilius Glabrio, who was appointed to supersede Lucullus in the war with Mithridates.

Triarius was now at Gaziura, which Strabo describes in his time as a decayed royal residence on the Iris at the point where the river changes its western for a northern course. Mithridates, who was opposite to the place, endeavoured to provoke Triarius to a battle, in the hope that he might gain a victory before Lucullus came up. Failing in this attempt Mithridates sent a force to attack a castle named Dadasa, in which Triarius had put his military stores and his men's property; and this measure had the result that he expected. Triarius, who was afraid of the superior force of Mithridates and was expecting the arrival of Lucullus, was compelled by the clamour of his men to march to the relief of Dadasa. The Romans were suddenly attacked by the force of Mithridates and completely routed: many fell on the spot, and others who made their escape into the open plain, which Mithridates had flooded by cutting a channel from the river, were surrounded and cut to pieces. The rest of the army

was saved by the boldness of a Roman soldier or a centurion, according to one story, who accompanied the king in the heat of the pursuit, for the king had Roman refugees in his army. This man plunged his sword into the king's thigh, but was immediately cut down by those who were near him. The king was carried to the rear and his friends immediately recalled the army from the pursuit. This accident created great confusion among the king's men, who crowded round him in alarm until they were comforted by the royal physician, a Greek named Timotheus, dressing the wound and placing the king in a position where he could be seen by all of them. In this unlucky battle, which was fought at Zela in Pontus (Zilleh) near the Iris, the Romans lost twenty-four tribunes, one hundred and fifty centurions, and above seven thousand men. Mithridates took the Roman camp, which was deserted. He is said to have provided against a repetition of such an act of treachery from the strangers in his camp by searching out all the Romans and putting them to death. But one at least was spared, as we shall see.

Lucullus was on his march to aid Triarius before the late battle was fought, and he arrived a few days after the defeat. The state of affairs in Pontus had compelled him to recross the Euphrates, in order to secure the country which he had wrested from Mithridates in a former campaign. He saved the life of Triarius, whom the soldiers would have massacred, as he was the cause, they said, of the late disaster. The king prudently did not wait to be attacked by Lucullus, but retreated into the part of Armenia which was afterwards named by the Romans Armenia the Less, a term which comprised that part which was west of the Euphrates. On his way he seized all the supplies that he could carry, and destroyed all that he had no means of transporting, that if Lucullus followed, he might find nothing. Again, an attempt was made on the life of Mithridates by a Roman refugee, named Attidius by Appian, but his real name was perhaps Attilius. This man had fled from Italy a long time before on account of some matter which was laid to his charge, and Mithridates had made him his friend.

For some reason, which we do not know, he now conspired

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against the king, was detected and put to death without being tortured, because he was once a Roman senator. The rest of the conspirators died after suffering dreadful torments; but the freedmen of Attidius escaped punishment on the ground that in this affair they had only obeyed their master; an instance of the king's clemency which it is not easy to believe.

It is impossible to collect from such evidence as remains a clear narrative of the operations of Lucullus. According to Appian, Mithridates, as we have seen, retreated into the Less Armenia, and was followed by Lucullus, who pitched his camp near the king. But the Roman governor of Asia sent round persons to give notice that the Romans, by which we must understand the Roman Senate, charged Lucullus with prolonging the war and that they disbanded his army under a threat of confiscating all that the men had, if the order of the Senate were not obeyed. On this notice reaching the army of Lucullus all his men left him except those who were so poor that they had nothing to lose. In this imperfect narrative we have perhaps only one single fact that we can accept as true; that the consul M'Acilius Glabrio, to whom the provinces of Bithynia and Pontus had been given with authority to supersede Lucullus, sent him notice that he had no longer any authority to continue the war and that Lucullus was thus reduced to inactivity; but Appian names Glabrio governor of Asia, which is a mistake.

Dion's story is that Mithridates retreated to the heights adjacent to Talaura, where he had his stores and kept his valuable treasures, and we may perhaps infer that Lucullus followed him, for it is said that Mithridates refused to leave his strong position to fight with the Roman general. In the mean time another Mithridates, king of Atropatene (p. 87), and a son-in-law of Tigranes, suddenly fell on some of the Romans, we know not where, nor has the historian, if he knew, cared to tell us. It was rumoured also that Tigranes was approaching with an army. There was now mutiny among the men of Lucullus, which was begun or fostered by the restless soldiers of Fimbria, who were still with the Roman army, and by P. Clodius the general's brother-in-law.

The consul Glabrio too was said to be advancing to supersede Lucullus, who in fact had no longer any military authority and had lost all his influence over his men.

Q. Marcius Rex, one of the consuls of B.C. 68, was on his way with three legions marching through Lycaonia to his province of Cilicia, and Lucullus asked him for aid, but got none. As Mithridates would not fight, and Lucullus could neither stay where he was, nor leave the place without attempting something, he advanced to meet Tigranes in the hope that he might gain some advantage over an enemy exhausted by a long march and so stay the mutinous temper of his army. The men followed till they came to a place from which they should turn off to enter Cappadocia, when all at once without saying a single word, according to the strange narrative of Dion, they went back, and we must infer that the general followed them. The men of Fimbria having heard that the Senate had released them from service went off in a body, but it is not said where they went to. Cicero states that in obedience to orders received from Rome Lucullus sent away part of his troops, who were exhausted by long service, and gave up part to Glabrio. If we take this statement literally Lucullus was then left alone.

This imperfect and confused narrative receives some further explanation from Plutarch. Lucullus had lost his authority, and he lost his dignity too. He supplicated the soldiers severally, he visited them in the tents, he even took them by the hand,—he who is charged with never having before attempted to gain the soldiers' love and with viewing every thing that was done to please them as damaging the general's authority. The men treated him as he deserved; they rejected the proffered hand, threw down before him their empty purses, and told him to fight the enemy himself, for he alone knew how to get rich by the war. At last at the request of the rest of the army the soldiers of Fimbria agreed to stay to the end of summer, and if the enemy in the mean time did not come down to fight them they would go away. Plutarch's narrative implies that it was Fimbria's mutinous band who were the ringleaders and that the general disgraced himself by suing to the men whom he ought long ago to have decimated.

Lucullus was content to keep the soldiers together, without attempting to lead them against the enemy, though Tigranes was ravaging Cappadocia. He had the further humiliation of seeing in the Roman camp the ten commissioners who had been sent from Rome to assist him in settling the affairs of Pontus, for Lucullus had written to the Senate to inform them that Mithridates was completely subdued; but the commissioners found that the king had recovered his dominions, and that the general was not able to keep his own soldiers in order. This was the end of a campaign which had commenced successfully, and had been conducted with great vigour and ability. The reasons of this disgraceful conclusion are not difficult to discover, and some of the reasons are hinted at by the extant authorities. Instead of securing the conquests of the country west of the Euphrates, Lucullus had carried the war into Armenia from which he was compelled to retreat; his forces were divided and he had left incapable men to command in Pontus and perhaps an insufficient army, for this conclusion we may derive from the defeat of the Romans by Mithridates. His own greediness contributed to his ruin, for he was making a profitable trade of war and he returned home with an immense fortune. His men, who were as greedy as himself, only endured the hardships that he imposed on them because they expected plunder, and they saw the general appropriating most of the spoil. The corruption of the Roman army which Sulla began was completed by the mismanagement and cupidity of Lucullus, and his long absence from Rome gave his enemies opportunity of intriguing against him. If he had been faultless, he would have found it difficult to keep the command in his hands, but his own misconduct and the spite of his enemies combined to accomplish his downfall.

Though Glabrio was commissioned to conduct the war, he did nothing, but wasted his time in Bithynia. If he had no army except that which Lucullus would deliver up to him, he showed his prudence at least by staying where he was. Marcus Rex could not or would not help Lucullus, for he alleged that his men would not follow him, if he moved towards those parts. Thus three commanders in Asia were reduced to a

state of disgraceful inactivity by their mutual jealousy, incapacity and the want of discipline in their armies. Marcius on reaching his province Cilicia had the glory of taking under his protection one Menemachus, a Greek who had deserted from Tigranes, and, so far as we know, this was the only great exploit of the Cilician proconsul. P. Clodius, who was also the brother-in-law of Marcius, left Lucullus, and Marcius gave him the command of some vessels. Clodius having fallen into the hands of the Cilician pirates, sent to Ptolemaeus, the rich king of Cyprus, to furnish him with money for his ransom. The king sent money, but it was so little, that the pirates, we are told, were ashamed to take it, nay they even sent it back, and let Clodius go without any payment. Another story is that the pirates released him through fear of Pompeius, who soon came to conduct the war against them. Unfortunately in some way this worthless fellow made his escape, and went to Antioch in Syria, where he undertook to help the citizens against some Arabs with whom they were quarrelling. There also he is charged with making a disturbance which compelled him to leave, and he returned to Rome.

CHAPTER VI.

CN. POMPEIUS AND THE PIRATES.

B.C. 69—65.

IN B.C. 69, the consulship of Q. Hortensius and Q. Caecilius Metellus, the temple of Jupiter on the Capitol, which was burnt in Sulla's time and had been rebuilt, was dedicated by Q. Catulus. During the ceremony of the dedication Catulus protected the spectators from the heat by awnings, which were afterwards used for the same purpose in the theatres and amphitheatres.

Q. Hortensius had obtained by lot the province of Crete, as the Romans would name it, which only meant the conduct of the war against the Cretans; but he gave up this office to his colleague Q. Metellus. It had long been determined to reduce the island to subjection, for which there was some pretext in the alleged connexion of the Cretans with the Cilician pirates and Mithridates. The disgraceful campaign of M. Antonius in the island (p. 27) was a further reason for making the people feel the power of Rome. The Cretans sent thirty commissioners to answer the charges against them and to pacify the Senate. The deputies visited the senators privately, and having gained to their side some of the leading men they appeared in the senate-house and prayed for a renewal of friendly relations with Rome, and an alliance. The Senate were ready to grant the request, but a tribune Lentulus Spinther interposed his veto, and the commissioners went away. After much debate the Senate came to a resolution that the Cretans must give up all their vessels except those of the smaller size, surrender Lasthenes and Panares who had

commanded against M. Antonius, put three hundred of the chief men of the island in the hands of the Romans as hostages, restore all Roman prisoners, and pay four thousand talents of silver. The wiser part of the Cretans advised the people to submit to these terms, but Lasthenes and his partisans, fearing that they should be sent to Rome and punished, stirred up the people to resist the Romans and to maintain their antient freedom. The Cretans made preparations to receive the enemy by raising a force of twenty-four thousand active young men skilled in the use of the bow, for which these islanders had long been famous. The invaders landed in Crete in B.C. 68.

In B.C. 67 was enacted the *Lex Roscia Theatralis*, which assigned to the *Equites* fourteen rows of seats in the theatre, the nearest to the stage. The proposer of this law was L. Roscius Otho a tribune, and Cicero says that the plebeians were clamorous for this enactment, which perhaps is not true. If we take the expressions of Cicero and Velleius (ii. 32) literally, this law only confirmed or restored some privilege of this kind which the *Equites* had formerly enjoyed. Livy (34, c. 54) writes of separate seats having been given to the senators at the theatrical exhibitions in B.C. 194. The law of Roscius also assigned a certain part of the theatre to those who had wasted their property (*decoctores*), a distinction which would not be so agreeable as that which was given to the *Equites*.

In this consulship of C. Calpurnius Piso and M'Acilius Glabrio another enactment was made on the subject of *Ambitus* or bribery at elections. The mode of voting by ballot (vol. i., p. 105) had long existed at Rome, but the ingenuity of knaves in evading the law was greater than that of the legislature who made it. A tribune named C. Cornelius proposed a bill which made the penalties of bribery much more severe, and the people were in favour of this new measure. But the Senate thought that the severity of the law would defeat the object, for though men might be afraid of the penalties, it would not be easy to find persons who would prosecute, and juries would be slow to convict. On the contrary, if the penalties were less severe, there would be

no want of prosecutors and the juries would not be deterred from doing their duty. The Senate therefore determined to alter the bill of Cornelius, and they put the matter in the hands of the two consuls, who did not wish to make bribery more difficult, but they could not refuse the duty that was imposed on them. Both of the consuls had gained their high office by active canvassing, and Piso had been served with notice of prosecution on the charge of bribery, but he contrived to escape a trial by some means which are not clearly explained. The law, which was named the *Lex Acilia Calpurnia de Ambitu*, increased the penalties for bribery at elections. A man who should be convicted under this law was declared to be incapable of holding a higher magistracy or being a senator, and he was also subject to a fine, the amount of which is not stated. The law was not carried without great opposition from the "divisores," a class of election agents, whose business, like that of our captains of districts in some boroughs where bribery is common, was to pay the money to the electors. Such men of course would not like interference with a profitable employment, which constituted a regular business, for the elections were made annually. As there was a large sum of money distributed among the Roman voters at elections, it is not easy to understand Cicero's assertion that the Roman people were clamorous for the stricter law of Cornelius, and we may conjecture that the statement is not exactly true.

Dion Cassius affirms that it was not constitutional for a law to be enacted after the time when notice had been given of the annual elections, and it happened that, when this new law of bribery was going to be put to the vote, the time for the elections had been fixed. On this occasion the candidates were exceedingly busy in trying to secure votes, and there was violence and bloodshed in Rome. The Senate therefore suspended the existing rule about elections and allowed a vote to be taken on the new bribery law. They also gave the consuls a guard for their protection. The tribune Cornelius determined to stop this irregular exercise of power by the Senate, and he gave notice of a bill which declared that there should be no suspension of any law with-

out the consent of the popular assembly (*ne quis nisi per populum legibus solveretur*). This was the old rule, and accordingly in every resolution of the Senate (*senatus consultum*) by which a rule of law was suspended, it was the practice to add a clause that the final decision on the matter should be referred to the popular assembly; but in course of time the clause was omitted and the resolution of the Senate, which was sometimes carried by a small number who happened to be present, had the effect of suspending a law. Some of the senators, who were strongly opposed to the bill of Cornelius, prevailed on one of the tribunes P. Servilius Globulus to put his veto on it.

When the day came for proposing the bill to the popular assembly, and the *praeco* or public crier began to declare to the people the terms of the bill as the words were dictated to him by a clerk (*scriba*), Globulus stopped both the clerk and the crier. Then Cornelius himself began to read the bill, but he was interrupted by the consul C. Piso, who in violent language protested against Cornelius doing this in spite of the veto of Globulus. The consul's speech was followed by clamorous abuse from the crowd, some of whom attempted to handle him roughly, and when he ordered his lictors to seize the assailants, all their fasces were broken and stones were thrown at the consul by those who were farthest from him. Cornelius put a stop to further rioting by prudently dissolving the meeting. The bill was again discussed in the Senate, and as it was still strongly opposed, Cornelius proposed that no person should be released from the obligations of any existing rule of law by a resolution of the Senate, unless two hundred members were present, and that no tribune should interpose his veto when the resolution was referred to the popular assembly for confirmation. In this form the bill was made a law to the great dissatisfaction of some of the Optimates. Dion Cassius merely observes that the new bill of Cornelius maintained the power of the Senate to make the preliminary resolution (*auctoritas*), and declared that it must be confirmed by the popular assembly.

Cornelius also reformed the administration of justice by proposing another bill, which was enacted without opposition,

though it was disliked by many persons. It was the practice for the two praetors, named respectively Urbanus and Peregrinus, to publish edicta when they entered on their office. These edicta contained general rules, in conformity to which the praetor declared that he would administer justice. The praetor could publish edicta as the occasion might arise, but the edicta of which we are now speaking were intended to be in force during the praetor's year of office, and were called *Perpetua*. It appears however that some praetors for corrupt reasons had been in the habit of not acting conformably to their *Edictum Perpetuum*, and the law of Cornelius bound them to observe it strictly (*ut praetores ex edictis suis perpetuis jus dicerent*, Asconius in Cornel.). Cornelius proposed other reforms, but most of his colleagues interposed the veto, and we may suppose that these measures were stopped; at least we have no further information about them. The year of Cornelius was a stormy tribunate. He wished to make useful reforms, but he found himself opposed by the hostility of the jobbers in the Senate, whose enmity he had incurred by one of his first acts, which was this.

It was usual for deputations from conquered or dependent states to be sent to Rome about matters that concerned their interests, and the Senate was the body to which they must address their petitions or demands. But nothing could be done without presents, and the Roman capitalists, many of whom belonged to the Optimates and were senators themselves, supplied the deputies at a high rate of interest with the money which was used for purchasing votes in the Senate. This was an ingenious contrivance and a profitable business, for the same man might lend money and receive some of it back as a bribe for his service. Cornelius proposed to stop this infamous practice by a declaration, as it seems, of the Senate, that no person should lend money to the deputations from foreign nations, but it is not said how he intended to make such a rule effectual. The Senate rejected the proposal of Cornelius and made a resolution to the effect that they had done all that was necessary in this matter by a resolution passed in B.C. 94, and that a few years before they had declared that no person should lend money to the deputation from Crete.

An anecdote is reported of one L. Licinius Lucullus, praetor urbanus in this year, which shows the violent character of one Roman magistrate and the good sense of another. The consul Glabrio was passing the place where Lucullus was sitting in court. Lucullus saw the consul, but did not rise from his seat, which irritated Glabrio so much that he ordered the praetor's curule chair to be broken. The praetor showed no anger at this unseemly act, but quietly continued the business of the court standing. Lucullus at the end of his year of office refused the province of Sardinia, because most of the Romans misconducted themselves in the administration of the provinces. The reason given for the refusal seems insufficient, and yet it may be the true reason, if we add this fact, that an honest governor was sometimes threatened with a prosecution by the Publicani or others whose illegal acts in the provinces he had refused to connive at.

On the last day of the year and towards the evening, one of the new tribunes, for the tribunes entered on their office on the tenth of December, C. Manilius, who is named C. Mallius by Dion Cassius, contrived by getting together a few of the common sort to pass a law "which gave to the freedmen the privilege of voting together with those who had manumitted them," which may mean in the same tribe with their patrons. It is a strange story that such a law on a matter which had been so often debated could be enacted under the circumstances which Dion mentions, and the proceedings, if there really was any voting on such a measure, must have been altogether irregular; and so it would appear from what followed, for on the first of January B.C. 66 the Senate discovered what had been done, and immediately declared the law null.

The subsequent history of the tribune C. Cornelius gives us some insight into the internal history of Rome at this time. Cornelius was safe during his year of office, which ended on the tenth of December B.C. 67; but in the next year B.C. 66 in the consulship of M. Aemilius Lepidus and L. Volcatius Tullus and the praetorship of M. Tullius Cicero he was assailed by his enemies. The office of Cicero in his praetorship was to preside in the court for trying cases of Repetun-

dae. Two brothers Cominii undertook to prosecute Cornelius under the Lex Cornelia de Majestate on the charge that on the occasion of proposing the law for limiting the Senate's abuse of the suspensive power he had refused to submit to the veto of Globulus. The information was laid before the praetor L. Cassius Longinus by P. Cominius, and his brother Caius undertook to support him, or, in Roman technical language, he was the Subscriptor. The praetor gave the prosecutors and the defendant notice to appear before him on the tenth day, but when they came the praetor was not in court, and kept away on some pretence. But though the praetor was absent, there were others there who had been got together by the leaders of riotous assemblages, one of whom was the tribune C. Manilius, and they threatened to kill the Cominii if they did not give up the prosecution. It happened that the consuls had come down to the court to support the defendant, and they did their best to save the Cominii, who would probably have been murdered, if the consuls had not interposed. The two brothers made their escape to a staircase, where they were shut up till night, when they got on the roofs of the neighbouring houses and fled from the city. On the next day the praetor, who was evidently acting in concert with the rioters, appeared in court, called on the prosecutors, and as they did not appear, dismissed the charge against Cornelius. The unfortunate Cominii fell under suspicion of having acted in collusion with Cornelius for a large bribe. However in the next year B.C. 65 P. Cominius renewed his attack on Cornelius. The praetor who presided at the trial was Q. Gallius. Some of the first men in the state appeared as witnesses against Cornelius: they were Q. Hortensius, Q. Catulus, Q. Metellus Pius, M. Lucullus, and M'Lepidus. Their evidence was that they had seen Cornelius during his tribunate read the bill from the Rostra, in spite of the veto of another tribune, a thing which had never been done before, and they alleged that this act came within the terms of the Lex de Majestate, for if it were allowed, the interposition of a tribune would be virtually annulled. Cornelius was defended by Cicero during four days. Cicero did not deny the fact of Cornelius having read his bill, but he proved by the evidence

of Cornelius' colleagues that he did not read the bill to the assembly, but merely read it over (Cic. in Vatin. c. 2), which is a miserable quibble, for if he read it aloud, as we must presume that he did, to whom did he read it, if not to the assembly? However Cicero argued that Cornelius did in fact submit to the veto, for he dismissed the assembly. He also compared the behaviour of Cornelius with the recent conduct of the tribune A. Gabinius (B.C. 67), when he carried his bill for giving to Cn. Pompeius the command in the war against the pirates, and Gabinius had not been called to account, though he had resisted the veto of one of his colleagues and resisted it successfully. An attempt was made to damage Cornelius by charging him with "giving" to C. Manilius the bill which he had proposed about the votes of the freedmen, to which Cicero replied by asking what was meant by "giving" the bill? Such a charge in fact contained no allegation. Cicero, who was now looking forward to the consulship, managed the case with great skill: he avoided giving any offence to the Optimates whom he was opposing, and he prevented his client from suffering by the weight of their influence. Cornelius was a man whose character was blameless, and there was nothing to say against him except that he was strongly opposed to the party of the Optimates. Even Globulus his former colleague supported him at the trial. Cornelius too had once been the quaestor of Cn. Pompeius, who had cleared the seas of the pirates and was now successfully prosecuting the war against Mithridates. Cornelius was acquitted by a great majority of the jury. The speech of the prosecutor Cominius was extant in the time of the commentator Asconius, and it was worth reading for its own merits as well as for the purpose of comparison with Cicero's speeches on this occasion. Cicero published his defence of Cornelius in the form of two orations, of which only a few fragments with the commentary of Asconius have been preserved. This defence of Cornelius gained Cicero the favour of those whom he calls "the good" (*boni*), and, as he intends us to infer, helped him in the election of the following year (B.C. 64).

Pompeius remained at Rome in the years B.C. 69 and 68, probably looking out for an opportunity of obtaining the

conduct of the war against Mithridates, which was supposed to have been the object of his ambition when Lucullus received the command. Pompeius withdrew from the Forum, seldom appeared in public, and when he did show himself, he was always accompanied by a large train. He thus contrived to throw an air of dignity about his person and to keep himself at a distance from the common sort. Plutarch observes that it is not easy for a man, who has distinguished himself as a soldier, to maintain his reputation when he has returned to civil life, unless, he might have added, he is superior in capacity and good sense to those whom he would meet on the political stage. Pompeius knew that in the Forum he would find men who were more than a match for him, and he prudently withdrew from a competition in which he would have failed, and directed his thoughts to other objects of ambition. The circumstances of the times soon opened a career suited to his talents.

The troubled condition of the Roman Empire, the civil and the servile wars in Italy, the wars in Spain and the long contest with Mithridates, had so disorganized the administration that the whole Mediterranean was infested with pirates, and there was no safety for the voyager on the sea nor for those who occupied the coasts. P. Servilius Isauricus (vol. ii., p. 442) reduced the pirates on the south coast of Asia Minor to submission (B.C. 75), and received a well merited triumph, but the evil was only checked for a time, and it had now grown worse. The term Cilician had long been a common name for pirates, but these sea robbers were now men of all nations, adventurers who loved a life of idleness, and others who had been driven from their homes or ruined by the wars which had so long desolated the empire. The coasts of Cilicia and the harbours of Crete were the strongholds of the pirates in the eastern waters, and they found in the bays and promontories of the south part of the Peloponnesus convenient spots for intercepting the traffic between the east and the west parts of the Mediterranean. The same circumstances produce at all times the same results, for even in the early part of the present century the Mainotes of the Morea carried on their piratical business with as much

cupidity and cruelty as the pirates of antiquity. The piratical vessels, which were now reckoned by hundreds, did not confine themselves to certain parts: they traversed the whole inland sea from the Syrian coast to the Straits of Gibraltar; and if we may conclude that there must have been a very active commerce in the Mediterranean to support and enrich such a numerous body of pirates, we must conclude also that commerce could not have long existed, if the sea had not been cleared of these robbers. It is said that they no longer attacked with single ships, but combined to form fleets commanded by experienced captains, and while they agreed in preying on the merchants and the defenceless coasts of the Mediterranean, they were on friendly terms among themselves, and gave one another aid and succour. It seemed as if all the skilful mariners and daring adventurers of the great sea had broken loose to prey on the helpless Italians and the dependencies of Rome. In the general description which we find of the ravages of the pirates there is no regard paid to chronology, and the evil had existed so long that we cannot always distinguish in the loose narratives of the extant authorities and the declamation of Cicero between what happened before the campaign of Servilius and the state of the sea eight years later; but all agree that things were now worse and that the state of affairs was intolerable. In the praetorship of Verres, as we have seen, a bold piratical captain had defeated the Roman fleet on the Sicilian coast and entered the harbour of Syracuse. The pirates even ventured into the port of Ostia at the mouth of the Tiber, plundered it and burnt the ships. Other Italian towns on the coast were ravaged, and the robbers boldly advanced inland and plundered the villas of the wealthy. What was got by violence was spent in luxury and riot. Temples and sacred places were not safe against men who had broken loose from all the ordinary restraints of religion or superstition, and yet we are told that the Cilicians performed strange rites on Olympus in Lycia and celebrated certain foreign ceremonies, among which were those of Mithras. Plutarch, whose merit consists in selecting characteristic facts, which the historians of this period omit, tells the following. When a man was made

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a prisoner and called out that he was a Roman, the pirates would pretend to be terror-struck, and pray for pardon, which sorry jest the unlucky captive would take for serious earnest. Then they would put Roman shoes on his feet, and throw over him a toga, that there might be, as they said, no mistake about him again. "When they had for some time mocked the man in this way and had their fill of amusement, at last they would put a ladder down into the sea, and bid him step out and go away with their best wishes for a good journey; and if a man would not go, then they shoved him into the water."

It was disgraceful enough to see and hear of the well-equipped and splendid navies which rode over the waters of the Mediterranean, while the Roman vessels hid themselves from the enemy or skulked from port to port to save themselves from capture. Even the Roman armies did not venture to cross the straits from Brundisium except in the depth of winter. But besides the disgrace, the loss to the state and to individuals was incalculable. Commerce was nearly destroyed, the receipts from the port dues were diminished, the generals who sent home their booty and the Publicani who made their remittances to Rome ran the risk of losing their property; and what was worst of all, the large population of Rome, which was fed with the corn of Sicily and Africa, was threatened with famine.

That Rome was still able to recover the command of the sea was proved by the event; and she had a soldier willing and able to do the work, if he was entrusted with sufficient means; but the miserable jealousy of a faction and the fear of putting power in the hands of Pompeius had hitherto prevented any vigorous measures from being adopted. A few years before M. Antonius Creticus had received almost unlimited power over the coasts of the Mediterranean, and he had abused it (p. 27). No opposition had been made to this power being given to Antonius, the reason of which was that the Senate did not fear that he would use it against his country and did not care if he abused it in other ways. At last the tribune A. Gabinius in B.C. 67 proposed a bill which should put an end to this scandalous state of affairs.

Some modern writers can with certainty affirm that Gabinius was prompted by Pompeius, and we may admit the probability that Pompeius, who saw what could and ought to be done, intrigued with Gabinius and others. Dion assures us that Gabinius was not moved by any regard for the public interest, but it would be difficult to find an instance in which this malignant writer ever speaks of any man as acting from a good motive. Cicero in his oration for the Manilia Lex (B.C. 66) and in his defence of C. Cornelius declares that the law of Gabinius secured the safety and restored the honour of the Roman State, and he even justifies the violence which Gabinius used in carrying his law, and justifies it on the ground that it was for the public interest. At a later period Cicero declared that Gabinius got the tribunate in order to protect himself against his creditors during his year of office,² and he said nothing of his services in proposing the law for the suppression of piracy. Nay he even charged him with the foulest practices from his youth upwards; and in the oration delivered in the Senate after his return from exile, it is said that if Gabinius had not carried his bill about the war with the pirates, he would have been driven by the desperate state of his private affairs and his villany to turn pirate himself. I do not believe that this is a genuine oration of Cicero, but I also believe that the matter of it is chiefly taken from Cicero's orations, and the very words sometimes.

The original bill proposed that a man of consular rank should be appointed to conduct the war against the pirates, that he should hold the command for three years with unlimited power over all the Mediterranean and inland parts from the coasts to the distance of four hundred stadia or fifty Roman miles; that he should choose fifteen senators as his legati, and have two hundred vessels, with authority to raise as many men as he wanted. He was also empowered to take from the treasury and from the Publicani, who farmed the public revenue, as much money as he pleased. Appian, who also states that the commander was empowered to raise money in the provinces, adds that he was to be supplied with six thousand talents from Rome. No name was mentioned in the bill, but the proposal was received with delight by the people,

for they knew whom they would choose. The Senators knew too, and a great majority of them were resolved not to have Pompeius: they would rather let the pirates rule than the man who had already defied their authority. Q. Hortensius and others in the Senate opposed the introduction of the bill. C. Julius Caesar alone spoke in favour of it, not because he liked Pompeius, as Plutarch says, but because "from the beginning it was his plan to insinuate himself into the popular favour and to gain over the people." The dispute grew so hot that Gabinius was in danger of being murdered in the Senate, or he pretended that he feared for his life, and stole out. When the people heard of it, they were roused to such indignation that they attacked the house, and if the senators had not escaped, they would have been killed.

The consul Piso, who was one of the most violent opposers of the bill, was caught by the rabble and only owed his life to the intercession of Gabinius. The Senate seeing that they could no longer resist directly, engaged the nine other tribunes to oppose the bill, which Gabinius now brought before the popular assembly. But only two of the tribunes were bold enough to resist, L. Roscius Otho who had carried the bill which gave the Equites separate seats in the theatre, and L. Trebellius who promised the Senate that he would rather die than allow the bill to become a law. On the day for voting the Forum was crowded with the citizens of Rome, and every place was filled from which there was a view of the Rostra, where the speakers would address the multitude. There was a universal cry for Pompeius to take the command against the pirates, the common enemy of mankind. He was presented to the assembly by Gabinius, and he addressed the people in a speech which Dion Cassius has given in his history. The speech is of course the composition of Dion, of whom it will be in place to say a few words, as his history is from this time one of our chief authorities.

Dion Cassius Cocceianus was born at Nicaea in Bithynia somewhere about A.D. 155. His descent was Greek, but one of his ancestors had been made a Roman citizen, and this explains, as it is supposed, the fact of his having the Roman gentile name of Cassius. His education was literary and

rhetorical, and he is said to have pleaded in the courts of Rome during the reign of Commodus. Dion was made a Roman senator; he filled the office of praetor, and finally obtained the consulship. He was also employed in administration. He died at his native place Nicaea. Dion wrote various works, the chief of which was a Roman history from the earliest age to his own times in eighty books, which have been preserved from the thirty-sixth to the fifty-fourth book. A man who was a Roman citizen, a senator, and filled various high offices had opportunities for acquiring a competent knowledge of Roman constitutional forms, and it is certain that Dion understood Roman affairs better than any of the Greek writers on Roman history who lived under the Empire. But his merits as an historian have been exaggerated by some modern writers, and his defects will be often made apparent when his narrative is compared with other authorities. One of his great faults is a passion for introducing speeches into his history after the fashion of Thucydides and Livy; but the orations of Dion contain neither the wisdom of the Greek nor the eloquence and good sense of the Roman, and indeed they are sometimes very silly compositions.

Dion had said that the name of Pompeius was not in the bill of Gabinius, but in the speech which he puts into the mouth of Pompeius it is assumed that the speaker is the future commander, for Pompeius says that he is pleased with the honour, which is going to be conferred on him, but he modestly declines it and tells the electors that they may easily find others who are competent to do the work. When Catulus was asked his opinion by Gabinius, he spoke in honourable terms of Pompeius, but he did not think that so great power should be given to one man, for it might be dangerous to the State; and he argued that one man could not discharge such a duty, and this, he said, was admitted by the proposal to allow the commander-in-chief to appoint others to serve under him. He was in favour of the several commanders receiving their commission direct from the people in conformity with constitutional usage, and he gave reasons for thinking that the business would be better done by men who would be severally responsible for the execution of their duty, and,

if they were invested with full powers, would vie with one another in serving the State well, when their success would bring glory to themselves instead of being attributed to the commander-in-chief. He urged them also to consider that for the purpose of clearing the sea of the pirates they were virtually putting in abeyance all the high offices of the Republic both in Italy and in the provinces. Pompeius had prayed the assembly not to press him into this new and dangerous service, and he said that he had already done and suffered enough for the public. Plutarch adds, what the speech of Catulus in Dion does not contain, that Catulus advised the people not to expose Pompeius to fresh dangers, and he asked them "What other man will you have, if you lose him?" to which the people replied, "Yourself." Hortensius also spoke against the bill with all his eloquence, but without any effect. Roscius Otho the tribune could not get a hearing, but he held up two fingers to signify, as it was supposed, that Pompeius should have a colleague associated with him; upon which the indignant assembly sent up such a fearful shout that a crow which was flying over the place was stunned and fell down among the crowd. Gabinus himself answered the speech of Pompeius, at least Dion makes him do so, and he urged Pompeius to accept the command; from which it is plain that the historian supposed that it had been offered to him, and that his name was in the bill. Gabinus went further than this, and gave a hint that Pompeius would be the man to finish the war against Mithridates; and by displaying to the assembly a picture of the magnificent villa of Lucullus, he attempted to make the absent general unpopular by thus indirectly charging him with greediness in getting and extravagance in spending.

When the question was coming to a vote, the tribune Trebellius interposed his veto, on which Gabinus resorted to the same illegal measures which Ti. Gracchus had employed against his colleague M. Octavius (vol. i., p. 186). He put to the vote the question of deposing his colleague, and seventeen out of the five-and-thirty tribes voted against Trebellius before he would consent to withdraw his opposition, and the assembly was then dissolved without voting on the bill of

Gabinus. On the day when the question was going to be decided, Pompeius retired into the country, but on hearing that the bill was enacted, he entered the city by night, for the purpose, it was said, of avoiding any popular demonstration. He lost nothing by his assumed modesty, for on the next day the assembly voted him still larger supplies, five hundred ships, according to Plutarch, one hundred and twenty thousand soldiers and five thousand horse, with power to appoint twenty-four commanders of praetorian rank, or twenty-five as Appian says, though as it will appear he did not appoint so many. Pompeius was now invested with a power such as no Roman had ever held, a power which he had received from the votes of the Roman citizens. It was in fact a revolution and a step towards the establishment of military supremacy, which was soon followed by another still more decisive measure. The immediate effect of the law of Gabinus was a fall in the price of corn, which, as Cicero affirms, after being exceedingly scarce and dear became so cheap that an abundant harvest after a long period of peace could scarcely have made grain cheaper; an oratorical exaggeration no doubt, which we may reduce to its true measure by comparing it with Plutarch's sober and rational statement that the price of provisions immediately fell. The fall was a proof that the dealers had confidence in the man who was elected to conduct the war, and a proof also that the stocks of grain were not exhausted, but that the high price was chiefly due to the expectation that the supplies could not be kept up.

CHAPTER VII.

THE WAR WITH THE PIRATES.

B.C. 67.

DURING the winter of B.C. 67 Pompeius made preparation for the war. He distributed the Mediterranean into thirteen parts, as Plutarch states, and appointed to each a certain number of ships and a commander. Appian has given a list of the commanders under Pompeius and the parts of the sea which were assigned to them. Tiberius Nero and Manlius Torquatus commanded along the coast of Spain and as far as the Straits of Gibraltar. On the coast of Liguria and the south coast of France M. Pomponius was stationed. The African coast south of Sardinia with the islands Sardinia and Corsica was assigned to P. Lentulus Marcellinus and P. Atilius. L. Gellius and Cn. Lentulus Clodianus watched the coast of Italy, probably only the west side. The coasts of Sicily and the Ionian sea as far as Acarnania were entrusted to Plotius and M. Terentius Varro. Varro himself in the preface to the second book of his treatise on agriculture says that his district was between Delus and Sicily, but his words also imply that the coast of Epirus was within the limits of his command. L. Cornelius Sisenna, the historian, cruised about the Peloponnesus, Attica, Boeotia, Euboea, Thessaly and Macedonia. The islands of the Aegean and the Aegean Sea with the Hellespont were assigned to L. Lollius. Cn. Piso, whom Appian names Publius, had the coast of Bithynia, Thrace, the Propontis and the entrance into the Black Sea ;

but here there is some mistake, for Thrace would be included within the command of Lollius. Q. Metellus Nepos cruised along the coast of Lycia, Pamphylia and Cyprus as far as Phoenicia. According to this arrangement there were only nine great divisions of the sea, and thirteen commanders under Pompeius. The Epitomator Florus has also preserved a list of the commanders and their stations, but it does not agree in all respects with that of Appian, and is certainly in some matters incorrect. This list contains some men of the highest rank in Rome and strong partisans of the Optimates. Gellius had been consul (B.C. 72) and censor, and Cn. Lentulus Clodianus was the colleague of Gellius in the consulship. Q. Metellus Nepos afterwards attained the consulship. If Pompeius had the choice of his officers, as we must infer from the fact of the bill of Gabinius having been accepted by the people, it is reasonable to suppose that he would choose many out of the party of the Optimates with the view of conciliating that powerful body, and that he found it prudent to do so. Appian, whose remarks are often sensible, says that Pompeius gave full power to each of his generals within the limits assigned to them, while he himself like a king of kings moved about and visited the generals who were instructed to confine themselves to their several duties, in order that the pirates when they were pursued might find no place of refuge. Nothing is said by any antient authority of a command having been offered to Caesar, who had been quaestor in Spain, was now again in Rome, and married to Pompeia a grand-daughter of Sulla and of Q. Pompeius Rufus consul B.C. 88. This distribution of the forces shows the dangerous enemy that the Romans had to deal with and the prudence of the commander-in-chief.

Pompeius sailed about the close of the winter to the coast of Sicily, whence he visited the African coast and Sardinia. The commanders cruised on their several stations and Pompeius with a fleet swept the western seas and caught the piratical vessels which fell in his way. Those which escaped fled to the eastern seas and the coast of Cilicia. He visited also the coast of Spain and of the south of France, where he heard that the consul Piso, to whom the Provincia had been

assigned, would not allow M. Pomponius to raise troops there. The words of Dion would lead us to infer that Piso was in his province and that the year B.C. 66 had begun, but Cicero, who is our authority for the time of the year when Pompeius set out against the pirates, is vague. Plutarch's narrative states that Piso, who was still consul and in Rome, was damaging through spite and envy the preparations for the war and disbanding the seamen, upon which Pompeius sent forward his ships to Brundisium and advanced through Etruria to Rome. The people thronged out of the city to meet the successful general who in forty days with the aid of his lieutenants had cleared the Mediterranean of pirates from Sicily to the Straits. The sea was now open and supplies flowed into the city from the provinces of Africa, Sicily and Sardinia.

Piso, as Plutarch informs us, ran the risk of being deprived of the consulship, for Gabinius had already a bill drawn up to this effect. It is difficult to understand this statement. An attempt to deprive a man of the consulship would have been a new and a bold measure, but Gabinius had already proved in the case of Trebellius that he was not scrupulous about the way of accomplishing his ends. However Pompeius settled matters quietly in Rome and then sailed from Brundisium with a fleet of sixty of the best ships for the eastern Mediterranean. It has been inferred from Cicero that Pompeius sent no part of the fleet to the eastern part of the Mediterranean before he left Brundisium, and we must suppose that he employed all his force in clearing the waters west of Sicily and securing the corn supplies before he looked for the corsairs in the eastern seas. This may be so, but we have no sufficient evidence for it or against it. Pompeius after crossing from Brundisium would sail along the west coast of Greece and round the Peloponnesus. The only place that he called at was Athens, which probably he had not seen before, and he was received with extravagant adulation. After sacrificing and making a speech to the people, he saw, as he was leaving the city, an inscription within the gate in verse :

"As thou own'st thyself a mortal, so thou art in truth a god ;"

And another on the outside :

"Expected, welcomed, seen, we now conduct thee forth."

Pompeius also called at Rhodes where he visited the philosopher Posidonius, and, as it was reported, attended his lectures, to which however he could hardly give much time during a cruise in the Aegean. It appears that the presence of the Roman fleets in so many parts of the Mediterranean, and the magnitude of the force employed, struck terror into the pirates. Though we have no extant notice of any resistance being made, it is certain that the seas could not have been cleared of such desperate marauders without some fighting, and indeed among other loose statements made by one of the antient compilers it is said that ten thousand pirates perished in the war. M. Terentius Varro must have had an engagement by sea with the enemy, for we have the statement of Pliny (H. N. xvi. c. 4) that Pompeius presented him with a naval crown (*corona rostrata*), which is confirmed by another writer. Some of the piratical crews made offers of submission, and after surrendering their ships to Pompeius were mildly treated. This politic behaviour induced others to get out of the way of Pompeius' officers, who were more severe, and to put themselves with their wives and children into his hands. He spared all who surrendered, and chiefly with their aid he caught others who were hiding with the consciousness of having committed crimes that could not be pardoned.

The most desperate of the corsairs had placed in their mountain haunts, on the south coast of Asia Minor, their families and wealth and all the useless people. The rest manned the ships and waited for Pompeius at Coracesium; "and certainly no place on the whole coast was so well calculated to arrest the march of a conqueror or to bid defiance to a fleet as this commanding and almost insulated rock" (Beaufort's Karamania).

The description of Coracesium by Strabo, who speaks of it as the first place in mountainous Cilicia as you sail from the west, agrees with the promontory of Alaya. It was chosen by Diodotus, named Tryphon, for his stronghold, when he rose in revolt against the kings of Syria. The

promontory, says Beaufort¹ who surveyed this coast in 1811, 1812, rises abruptly from a low sandy isthmus, which is separated from the mountains by a broad plain: two of its sides are cliffs of great height and absolutely perpendicular: and the eastern side, on which the town is placed, is so steep that the houses seem to rest on one another; in short, it forms a natural fortress that might be rendered impregnable, and the numerous walls and towers prove how anxiously its former possessors laboured to make it so. The corsairs were defeated before Coracesium by the Roman fleet, and blockaded in the town. At last they surrendered and gave up all their strong places and the islands which they had fortified.

Ships and stores of all kinds to a great amount were delivered to the Romans. Many prisoners were liberated, some of whom had been detained by the pirates with the view of getting a ransom for them, and others were compelled to work in chains. Some of those who returned home found that their sorrowing friends had built cenotaphs for them. Strabo states that Pompeius destroyed more than thirteen hundred vessels of all sorts, in which there may be some exaggeration; but though this part of Asia was the seat of piracy, the power, the wealth and the activity of the inhabitants at this time form a striking contrast with the condition of the country early in the present century under the wretched government of the Turks, for Beaufort observes "that on this extensive line of coast, which stretches along a sea abounding with fish, the inhabitants do not possess a single boat."

The prudence and moderation of the commander-in-chief contributed to the success of the expedition as much as his skill. He destroyed the strongholds of the pirates, but he spared his numerous prisoners, many of whom had been driven to rob by necessity and the disturbed condition of the eastern part of the Mediterranean. Those who surrendered were planted on various parts of the south coast of Asia where the population was small, in the hope that they would betake themselves to the quiet pursuits of industry. Settle-

¹ There is a view of Alaya in Beaufort's work on Karamania, p. 163. Beaufort was afterwards Hydrographer to the Admiralty.

ments were made at Mallus, Adana, and Epiphaneia in Cilicia. Soli, an Achaean and Rhodian colony on the coast of the Level Cilicia, had been depopulated by Tigranes who removed the inhabitants to another place, probably Tigranocerta (p. 84). Many of the pirates were placed at Soli by Pompeius, and the town received the name of Pompeiopolis. It is twenty miles west of the mouth of the river Cydnus on which Tarsus stood. The lofty theatre and tall columns of Pompeiopolis are seen as the place is approached from the west. There is still a beautiful artificial basin with parallel sides and circular ends, formed by moles fifty feet thick and seven high, constructed by rubble bedded in strong cement, but faced and covered with blocks of limestone (Beaufort). Pompeiopolis flourished under Roman dominion. A magnificent avenue of two hundred columns in two rows formed the approach to the city from the harbour. Forty-four of these columns are still standing. This magnificent work appears to belong to the Roman period¹. A great number of the pirates were settled at Dyme in Achaia, where there was good land and no inhabitants, for the place had been plundered, and as we must suppose afterwards deserted in the wars between the Romans and the Macedonians.

It is hardly worth repeating what was the number of men killed in this war, of prisoners taken, towns and strongholds destroyed, ships burnt, captured, and surrendered. Perhaps nobody knew; certainly our authorities, who do not agree very well, did not know. The second part of the campaign from the time when Pompeius sailed from Brundisium was finished, as Cicero says, in forty-nine days, which, added to the forty days, in which the Western Mediterranean was cleared of the pirates, make eighty-nine days in all; and this agrees with Plutarch's statement that all was done in

¹ There are two views of this avenue in Falkener's article on Crete, *Museum of Classical Antiquities*, ii. 279, 281. There is a Greek medal with the head of Pompeius on one side and on the other the legend ΠΟΜΠΗΙΟΠΟΛΙΤΩΝ with a seated female figure holding a Victory in her hand. Another medal with the head of Pompeius contains on the reverse the name of the city with the same seated figure which appears on the later coins of the Syrian Antioch, a female crowned with towers and one foot on the shoulder of a male figure visible only as far as the middle.

three months. The poet Lucan (*Phars.* ii. 577) magnifies the glory of Pompeius when he says that all the seas were cleared of the pirates before Cynthia twice filled her orb; and the *Epitome of Livy* (*Ep.* 99) with the same exaggeration states that the work was accomplished within forty days. It was disgraceful to Rome that it was not done sooner; and though the issue showed that it was not very difficult to purge the seas of robbers, if a proper force was employed, the great merit of Pompeius in putting down the pirates cannot be denied.

Q. Caecilius Metellus had left Italy in B.C. 68 for the Cretan war with a fleet and three legions. The war lasted three years according to Velleius (ii. 34), or two years according to Orosius (vi. 4). The notices of this war are very scanty and the chronology uncertain. If Metellus left Italy not before the early part of B.C. 68, he may not have concluded the war until B.C. 66. He probably landed at Cydonia (Khania), a large city in a bay on the north-west side of the island, for he defeated Lasthenes before this place and the Cretan general fled to Cnossus seventy or eighty miles further east. Cydonia was surrendered to Metellus by Panares, who made terms for his own safety. Metellus pursued Lasthenes to Cnossus, where he was besieged. When further resistance was impossible, Lasthenes brought all the treasure into a house which he set on fire, and made his escape.

The towns in the lower country would naturally fall first. The antient city of Lyctus (Lytto), which stood on a hill in the interior, was taken by Metellus, who conducted the campaign vigorously and showed no mercy to the obstinate islanders. About the time when Metellus was hard pressing the Cretans, Pompeius was bringing the war with the pirates to a close. The terms of the commission of Pompeius placed Crete under his command, and as he was always greedy of power, he wished the surrender of the island to be made to himself. The Cretans had heard of his mild treatment of the pirates, and believing or being persuaded that they would get better terms from Pompeius, they sent to Pamphylia to invite him to the island.

Pompeius wrote to Metellus to forbid him to continue the war, and he despatched one of his own officers L. Octavius to the island. Octavius came without any troops to enforce the orders of Pompeius, and as Metellus would not give up the command, Octavius could do nothing. L. Sisenna then came with his army from the station on the coast of Greece, and endeavoured to persuade Metellus to stop the war, but Metellus would not listen to him and Sisenna was unable to compel him to submit, or he did not choose to use force. The town of Eleutherae or Eleutherna, which was near the centre of the island and on the northern slopes of the great range of Mount Ida, now fell into the hands of Metellus through the treachery of some of those who were in it. There was a large brick tower, which presented a great obstacle to the besiegers, but these traitors, it is said, softened the bricks with vinegar and so made it possible for the enemy to make a breach in it. The story, as it is told, is not easily explained, but it is possible, if there is any truth in it, that the walls were split by the bricks being heated and water being then thrown on them, unless the fact is that vinegar does the work better, and the traitors had plenty of it².

Lappa was taken by assault. This place was thirty-two Roman miles west of Eleutherna, and though an inland town it possessed a port on the coast. Octavius was in Lappa when it fell into the hands of Metellus, and he suffered no harm, but some Cilicians who were with him were massacred. Octavius now no longer remained quiet, but taking the force of Sisenna, who had died, he aided the Cretans, and retiring to Hierapytna joined a commander named Aristion. This Aristion, who was in Cydonia when Metellus first arrived there, left the place with some ships and fought a battle in which he gained a victory over L. Bassus the admiral of Metellus.

² Harduin, *Plin. N. H.* xxiii. c. 1, 27, has a note on this matter of softening the bricks. If Eleutherna was the place where the besieged suffered from want of water (*Val. Max.* vii. 6. 1. Ext.), as Drumann says that it undoubtedly was, the traitors could not have used either water or vinegar for splitting the walls; for they could not have had even vinegar, if they were reduced to such straits as Valerius describes. However Valerius does not mention the name of the town, and of course we do not know it.

After this advantage Aristion sailed to Hierapytna (Hierapetra) on the south coast of the eastern part of the island. Hierapytna was a flourishing place, with a well-built harbour, consisting of three basins one within the other, and the entrance was defended by a chain. As Metellus was approaching the place, Octavius and Aristion put to sea, but a storm cast them on the coast and they lost many of their men. Metellus now received the submission of Lasthenes on the same terms as Panares, and he completed the conquest of the island without interruption from Pompeius, who was looking out for something else, as we shall see, and was not foolish enough to risk a civil war for the sake of humbling the obstinate proconsul of Crete. The island was reduced to the form of a Roman province, the administration of which was united to that of Cyrene on the African coast, which country had been a Roman possession since B.C. 96 (vol. ii. 126). We do not know how much the towns of Crete suffered in this war. Under Roman dominion the island was tranquil, and the remains of Roman buildings show that Crete was not neglected. Whatever injury may have been done to the beautiful cities during this last struggle for independence, time, the ravages of the Turks, and their wretched administration since they have been in the island have reduced to ruins the noble monuments of the old inhabitants. Even in the sixteenth century, when the island was in the possession of the Venetians, there were many fine remains.

The coins of Crete are exceedingly beautiful, and some of them belong to towns, of which we know nothing more than the name⁴. Metellus obtained the title of Creticus for his conquest of the island, and on his return to Rome he claimed a triumph. The ninety-ninth book of Livy contained the despatches of Metellus to the Senate, in which he complained that Pompeius attempted to rob him of the glory of his victories, and that he had sent a legatus into the island to receive the surrender of the cities. Pompeius replied by letter that he was justified in what he had done. The parti-

⁴ See an article on the Antiquities of Candia from a Venetian Manuscript by Edward Falkener, with a map of the island and drawings of some Cretan medals. *Museum of Classical Antiquities*, ii. 263, 1852.

sans of Metellus supported his demand of a triumph, but he had to wait some time before he got it.

The tribune C. Manilius, as we have seen, began his year of office with an attempt to alter the law about the voting of the freedmen, and he failed. It has been supposed that he intended by this measure to secure sufficient votes for the great bill, which he proposed shortly after, but there was no fear of the Roman electors failing to support the new bill of Manilius. Early in B.C. 66, while Pompeius was still in winter quarters in the Roman province of Asia, Manilius proposed a bill for conferring on him the command against Mithridates and Tigranes, "with the naval force and the dominion of the sea, on the same terms on which he received it originally" (Plutarch). Pompeius would be thus empowered to supersede Glabrio in Bithynia, for Lucullus, though still in Asia, was already superseded, and Q. Marcius Rex in Cilicia.

The terms of the law of Manilius are not given by any extant authority, but it appears that as Pompeius would retain all the power which the law of Gabinus gave him, and also receive an unlimited commission to prosecute the war against Mithridates and Tigranes, he would have authority over all the Mediterranean and the coasts, and full power to do what he liked on the continent of Asia. Plutarch remarks that by the bill of Manilius Pompeius in his absence was put in possession of nearly every thing that Sulla got by force of arms; but this is not true. However there was sufficient resemblance between the cases of the two men to make the Senate fear the future. Sulla collected in the East the means of making himself master at home, and Pompeius after ending the war in Asia might return and do what Sulla had done. Sulla crushed the popular party, and Pompeius courted the people, but a man may reach imperial power through the people more easily than through the faction of an oligarchy.

Nothing is reported of any debate in the Senate on the law of Manilius, and none of the Optimates spoke against it before the popular assembly except Q. Catulus and Q. Hortensius. Some of them spoke in favour of the law of Manilius. Cicero mentions P. Servilius, consul B.C. 79 and the conqueror of the pirates, C. Scribonius Curio, who was consul

in B.C. 76 and triumphed over the Thracians, Cn. Lentulus Clodianus, consul B.C. 72, who had served under Pompeius against the pirates, and C. Cassius Varus, consul B.C. 73. The war with the pirates was over, and Pompeius was still in Asia. We may assume that he knew what was going on at Rome, for Cicero speaks of letters constantly coming to Rome from the province Asia, and letters were continually passing from Rome to Asia. If Pompeius finished the war in the middle of the summer of B.C. 67, he might be occupied some time with the settlement of the pirates, but there could be no reason for his wintering in the province Asia, as Cicero affirms that he did, unless he was waiting for news from Rome; and we may conclude with the greatest probability that while he was holding his force together, he was intriguing for the command against Mithridates. C. Julius Caesar had now discharged the office of quaestor, and was qualified for a seat in the Senate. He supported the law of Manilius, as Dion says, and, as we may assume, before the popular assembly. A modern writer affirms that he spoke after Cicero, who certainly does not mention Caesar in his speech. The passage of Dion about Caesar and Cicero is so curious that it is worth our study as a specimen of the historical manner of a Romanized Greek, who wrote two centuries after the event.

He says, the people voted for the law of Manilius chiefly through the instigation of Caesar and Marcus Cicero, both of whom supported the measure, not because they thought it advantageous for the State, nor yet because they wished to please Pompeius. They knew that the law would be passed, and accordingly Caesar courted the people, because he saw how much stronger they were than the Senate, and he was preparing the way for a similar vote in his own favour at some future time. He also wished to make Pompeius odious through the honours which were conferred on him, so that the people should be the sooner tired of him. As to Cicero he aspired to the direction of the State, and wished to show to the people and the Optimates that he could give the superiority to the side to which he attached himself. Accordingly he trimmed between the two parties, sometimes turning

to the one, sometimes to the other, that he might be courted by both. He had in former times professed to be on the side of the Optimates, and this was the reason why he had chosen to be elected aedile rather than tribune, and now he changed and went over to the rabble.

Now whether these remarks are true or false, or partly true and partly false, Dion made them when he was writing with a knowledge of the subsequent career of Caesar and Cicero, and he explained their conduct in early life by what they did afterwards. This method of attempting to discover the causes for men's actions is not entirely false, but it requires a man of more ability and of more elevated character than Dion possessed to apply the method successfully. The Greek, like many modern writers, being eager to show his acuteness in tracing men's acts to the moving cause and to be what is called a philosophical historian, is not content to collect facts and by putting them in their right place and sequence to let them speak to him who has the capacity to understand: he must lift the veil of the future and show the great genius of Caesar preparing the way for the downfall of the man, who did not yet suspect in him a rival; and at the same time the historian gratifies his own vanity by predicting what the reader will actually find accomplished. But this method of writing history so far from being a proof of ability is just the contrary. It proves a small knowledge of human affairs to suppose that any man's life proceeds on a settled plan and with a settled purpose, if he aspires to any thing more than the attainment of wealth or power, or whatever he may desire, in a country where a regular career is open to him. In such a country, if a man is resolved to be rich or resolved to fill certain places, if he has ability and sticks to his purpose, he may with good luck accomplish what he wishes. We can say of such a man at any and at every turn of his life that he knows what is his interest and he will look to nothing else. But where things are less settled and power may be got by irregular means, a man must be governed by circumstances as they rise, and he often will be governed by them, whether he choose or not. Nor is this method of writing history true, for it assumes that men can control circumstances, and that

they do every thing from deliberate choice and settled purpose, when on the contrary the motives to act or not to act are under difficult circumstances so many and various that the wisest and the firmest man sometimes hardly knows why he acts in one way rather than in another.

So much once for all on the character of this superficial historian, whom we must now always use, and whom we shall often find useful. We have nothing from Caesar to put in contrast with Dion's judgment of him, but we have the speech which Cicero delivered in support of the law of Manilius, and it is just to hear what he has to say for himself. He was now praetor; he was aspiring to the consulship, which he could only obtain through the electors of Rome; he has told us how hard it was for a man to rise to the highest honours of the State, if he did not belong to one of the great families, and he saw that he could not please the people better than by supporting the bill which conferred power on the popular idol. So far is certain; and it is certain too that there was no Roman so well able as Pompeius to put an end to the war in Asia. Whether the power conferred for this purpose was more than was necessary, or whether it might be abused, the orator does not discuss. A modern critic may find fault with him because he dwells on the necessity for the war and the fitness of Pompeius to conduct it, which nobody disputed, and does not answer the objections to giving him such exorbitant powers. But the orator's purpose was to confirm the popular will, not to satisfy the few who resisted the bill of Manilius. He knew his business better than to apply his great abilities to the weak part of the case, when his audience only wished to hear their own opinions echoed by the most eloquent of Roman orators, and the man of their choice exalted and glorified.

Cicero begins his speech to the electors of Rome by reminding them of the honourable way in which he had been elected praetor, and he rejoices that now, when he is going to address them for the first time from the Rostra, he has a subject for which no man could fail to find words, the singular and surpassing merit of Cn. Pompeius. The Romans were threatened by two powerful kings, and their province of Asia, a

fruitful source of revenue, was in danger. Letters were daily coming from Asia to the Roman equites, whose capitals were employed in farming the revenues, and these men communicated to Cicero the unhappy state of affairs: in Bithynia many villages were burnt; the kingdom of Ariobarzanes which bordered on the Roman possessions was in the power of the enemy; Lucullus after doing great things was retiring from the command; his successor Glabrio was not prepared to conduct such a war; there was one man whom the subjects of Rome and the Roman citizens in the Asiatic provinces called for, and he was the only man whom the enemy feared.

After this preface he speaks first of the kind of war that the Romans had on hand, next of the dangerous nature of the war, and lastly about the choice of a commander. As to the kind of war, it was enough for him to recapitulate the principal events in this contest with Mithridates, who had now reigned two and twenty years since he massacred so many Roman citizens in Asia (B.C. 88), and he had not yet been punished as he deserved to be. Nay, he had even sent to Spain to encourage Sertorius in his resistance to the Romans, but the danger from that quarter had been repelled by Cn. Pompeius. Cicero says not a word of the services of Metellus in the Spanish war, nor of the assassination of Sertorius which really put an end to it. He speaks briefly of what Lucullus did in Asia and promises to return to the subject. Next he urges the Romans by various arguments to avenge the wrongs which they had endured from Mithridates, and we almost conclude from his words that some persons were disposed to come to terms with the king rather than to appoint a general with extraordinary powers. It was not war only, he said, that they had to fear: the apprehension of invasion in Asia was sufficient to damage the interests of that province and the revenues of Rome. The farmers of the revenues (*publicani*) had large capitals invested in Asia; many Romans were actively engaged there in commerce, and the capitals of others who staid at home were employed in that country. Experience had taught them in the first war with Mithridates, that the losses of their fellow citizens in Asia were followed by the downfall of credit at Rome. There was therefore every

motive for prosecuting the war vigorously: the credit of the Roman name, the protection of their subjects, their valuable revenues, and the interests of many Roman citizens which were inseparable from the interests of the State.

The orator now comes to speak of the dangerous character of this war and of what Lucullus had done. He justly commends his skill and bravery in saving Cyzicus, and he affirms that the king's fleet, which Lucullus defeated off Tenedos, or near Lemnos, as other authorities say (p. 18), was sailing to attack Italy under the command of men belonging to the party of Sertorius. The capture of Sinope and Amisus followed, and Mithridates was compelled to fly from his kingdom and become a suppliant to other kings. All this was done while the Roman subjects in Asia were protected and the Roman revenues were secured.

He thinks that this is sufficient praise for Lucullus, and it is more than he had received from those who had spoken from the same place against the law of Manilius. It was however necessary to explain how a dangerous war could still remain after this great success of the Roman arms, and here the orator's apology for Lucullus is singularly weak, and not quite true. He says nothing of the mutinous temper of his soldiers. He asks permission to pass over in silence the defeat of Fabius and Triarius (p. 97), which Lucullus, he says, might perhaps in some degree have made amends for, if he had not received orders from Rome to give up his command in conformity to the old practice of limiting the time of a general's authority. Accordingly Lucullus dismissed some of the troops which were worn out by long service, and transferred others to Glabrio. Cicero knew that the recall of Lucullus by the Senate was not owing to any desire to maintain the old rule about limiting the time of a general's service, for this rule had long been neglected, and that it was due to the hostility of the enemies of Lucullus at Rome; but he wished to say as little against Lucullus as he could, to excuse the ignominious close of his career, and to make his hearers believe that Mithridates after all his defeats and losses was as formidable as ever. Accordingly he winds up this part of his oration by telling the people that they must imagine what a

dangerous war this is, in which the most powerful kings are united against Rome, which is renewed by nations roused to hostility, and by peoples fresh and unexhausted, a war which a new Roman commander must undertake after a veteran army had been repulsed.

Having proved the necessity of the war and the dangerous nature of it he comes to the choice of a commander, and here he blows the trumpet loud and clear. He wishes that Rome had so many courageous and upright men that the choice would be difficult, but he asks what doubt can there be about the commander, when Pompeius is superior in renown to all living men, to all who have ever lived? A general should have military skill, merit (*virtus*, a Roman term for which we have no exact equivalent), reputation and good fortune. He rapidly traces the wonderful career of Pompeius from the age of seventeen, when he served under his father in the Social war, through the Civil war, the African war, his march through the south of France, the Spanish war, the Servile war, and the war with the pirates; and he asks what language can adequately express his merit. Those are not the only qualities of a general which are vulgarly supposed to be, such as hard-working, courage in danger, energy in action, quickness in execution and wisdom in planning; which qualities Pompeius alone possesses in a higher degree than all other commanders together, than all they had seen, all they had heard of. The orator is so warmed with his subject that, forgetting for the moment those other qualities which he was going to enumerate, he breaks out in praise of the great military talents of Pompeius, in which he affirms that he surpassed all other commanders. He appeals to Italy which the victorious Sulla admitted to have been saved in the Civil war by the aid of Pompeius; to the pacification of Sicily, to the recovery of the province of Africa, the victorious march through France into Spain and the overthrow of the enemies of Rome in the peninsula. The expectation of his return from Spain checked the fury of the servile insurrection in Italy, and his arrival put an end to it. The orator says nothing of M. Crassus who had broken the power of the slaves before Pompeius entered Italy. But the great trium-

phal chant is reserved for the recent success of Pompeius against the pirates; at the conclusion of which the orator comes back to the commemoration of those other noble qualities, which he was just going to mention, the integrity of Pompeius, his temperance, his fidelity, affability, talent and cultivated mind. He did not sell the rank of centurion in his armies, nor did he misapply the money allowed him out of the treasury for the expenses of war, as some men had done; and the murmured assent of the assembly showed that they knew whom the orator meant, though he did not name them. Everybody had heard of the sufferings of the Italians of late years wherever a Roman army had marched through the country; and they might conjecture what foreign nations endured. But now the legions of Pompeius were in winter quarters in Asia (c. 13), and news arrived daily which told of the strict discipline under which the soldiers were kept. Pompeius was free from the vice of greediness; he did not covet the pictures and statues which other commanders carried off: he would not even look at them. His oratorical powers, which give dignity to a commander, were well known to all who had often heard him speak from the place where Cicero was then standing. A man's reputation, the opinion which the world has of him, is also an important element in a general; and what name of mortal man was ever more famed than that of Pompeius?

He illustrates this topic by appropriate instances from the general's life, and concludes his magniloquent panegyric with a few words on the good fortune of Pompeius. He believes that the command of armies had often been conferred as much for their good fortune as their merit on such men as Q. Fabius Maximus, M. Claudius Marcellus, Scipio, C. Marius and other great generals. He was too wise to name the man, who was pre-eminently Felix, the Dictator Sulla, a name at which the people of Rome had once trembled. Instead of enumerating all the instances of Pompeius' good fortune, he sums them up in a few words: there never was a man so shameless as to prefer a silent wish to the gods for such good fortune as heaven had conferred on Cn. Pompeius; and every Roman for the sake of his country, for the sake of the man himself,

prayed, as it was his duty to do, that this good fortune might continue. Now if Pompeius were living at Rome as a private person, he would be the right man to select and send out. But he is on the spot, he has an army, he can immediately receive other forces from those who have them; and what reason then is there for hesitating about giving him the command?

Two illustrious men, Q. Catulus and Q. Hortensius, says the orator, dissent from this proposal. They admit the danger of the war and the great merits of Pompeius. What says Hortensius? Why, he says that if any one man ought to have this great power, Pompeius is the man, but he maintains that no man ought to have it. This argument, Cicero rejoins, is become worthless. Hortensius opposed the appointment of Pompeius to the war against the pirates, and what would have become of Rome, if his advice had been followed? Hortensius and those who were of his opinion meant well in what they said, but the Roman people followed their own feelings, and the result was that a single law, a single man, and one year cleared away the disgrace of Rome, and made her the real mistress of the land and the sea. After such success it was a scandalous thing, it was mean behaviour both towards Pompeius and Gabinus, to refuse the appointment of Gabinus as a legatus under Pompeius, when Pompeius asked for him. Cicero does not here (c. 19) mention the *Leges Licinia and Aebutia* which, as some critics have supposed, prevented Gabinus from holding a command under Pompeius. But these laws, as they are quoted by Cicero (*Contra Rullum*, ii. c. 8), only declared that no man who had proposed a bill about any commission, which was expressed by the Roman terms "*curatio potestasve*," should hold such commission himself, nor any of his colleagues, kinsmen, or those connected with him by marriage. The laws therefore could not apply to Gabinus, unless we assume that the proposer of such a bill could not be employed under it in any way. But with this assumption we only raise a fresh difficulty, for if the *Leges Licinia and Aebutia* prevented Gabinus from being employed under the bill which he introduced and carried, the Senate could not appoint him a legatus, unless by violating the *Leges*. So far as we can infer

from the speech for the Manilian bill, a general could not at this time appoint a *legatus* without the consent of the Senate. Gabinius of course could not hold a command under Pompeius during the year B.C. 67, because he was then a tribune. Cicero indeed gives instances of men who had held such commands in the year after their tribunate, but this was nothing to the purpose, for the question was whether Gabinius could take any command at any time under Pompeius, so long as Pompeius held the commission which he obtained under the law of Gabinius. Cicero's words clearly state that Pompeius applied to the Senate to give Gabinius an appointment under him during the war against the pirates, while Pompeius was still acting under the law of Gabinius, and the Senate refused. Cicero hopes that the consuls will move before the Senate for the appointment of Gabinius, and if they will not, he will do it himself.

Now, as Cicero says that the war with the pirates was over, what can he mean by urging the appointment of Gabinius to a command "in this war which is conducted" under the *Lex Gabinia*? The commission of Pompeius, it is true, was still in force, and he would keep it, even if the bill of Manilius was not carried; and so Gabinius might wish to secure an appointment in all events and get away from Rome and his creditors as soon as he could. However, as it must have been certain that the bill of Manilius would pass, and as Gabinius could hold a commission under that law, as he actually did, it is not easy to understand all Cicero's talk about this matter; but we know that he was arguing disingenuously when he was quoting instances of tribunes holding a commission after their year of office was expired. Nobody denied that they could; but the opponents of Gabinius seem to have maintained that a man could never hold a commission under a law proposed by himself, and Cicero takes no notice of this difficulty.

The orator now turns to Q. Catulus, who had said that no innovations ought to be made contrary to the usage of their ancestors. Cicero answers that in times of danger the Romans had only considered what was for the interest of the State; and accordingly extraordinary commands had been given to

the Younger Africanus, and to C. Marius. As to Cn. Pompeius, every thing in his career was new and strange : he had been invested with extraordinary powers and had received unusual honours through the influence and votes of Catulus himself and those who acted with him.—This was a hard blow for Catulus and his friends, and the orator strengthened it by adding, that the resolutions of the Senate or Optimates with respect to Pompeius had always been approved by the people, and it was not fair that the judgment of the people should now be opposed by the Senate or by the party of the Optimates. The law of Gabinus, which was carried against the will of Catulus and his party, was justified by the result, and as the people on that occasion judged best, so it might be maintained that they did now.

The orator concludes by urging Manilius to persevere in his attempt to carry the bill, and he promises to assist with all his powers, and all the influence of his authority as praetor. He calls the gods to witness, and they know what is in the minds of men who enter on a public career, that he is not acting at the request of any man, nor to gain the favour of Cn. Pompeius, nor to avail himself of any man's support either against future danger or for future advancement. His own integrity will always be his protection ; and his advancement will not depend on any man's pleasure, nor on speeches from the Rostra, but will be earned by a continuance of his present laborious course of life and the approbation of the people. He had done what he had done solely in the interest of the State ; but he was far from thinking that he had gained any goodwill : on the contrary he knew that he had made enemies, which he might have avoided if he had looked after his own interests instead of those of the people.

This speech is a clear manifestation of Cicero's policy. He was looking to the consulship, which he had no hope of obtaining through the aid of the Optimates. He made a bid for the favour of the electors of Rome, and of the great man whom they worshipped ; and he treated the aristocratical party with utter contempt, as men without capacity, without honesty, robbers in the provinces and plunderers of the subjects of Rome. He says that he should make himself

enemies by this speech, and he found it was so. As far as we can judge, the bill of Manilius would have been carried without Cicero's aid; and we may fairly assume that Cicero's speech was designed to secure the general's support and the votes of the Roman electors when he should want them.

Cicero sat as judge in the court for *Repetundae* during the year B.C. 66. C. Licinius Macer, who had been praetor and afterwards governor of some province, was tried before him for the offence of *Repetundae* and found guilty to the great satisfaction of the people. Cicero says in a letter to Atticus that what he had gained in popularity from this conviction was worth much more to him than what he could have got from the gratitude of Macer if he had been acquitted. The expression is curious, and if Cicero had not been writing to an intimate friend, he would perhaps have been more careful about his words. He says indeed that he acted fairly to Macer, but still there remains the inference, that if Macer had been acquitted, Cicero would have looked for some return. Macer indeed expected to be acquitted, for he was supported by the influence of M. Crassus, and while the jury were giving their votes, he went home, cut his hair and putting on a clean dress was going to return to court; but on Crassus meeting him and telling him that he was convicted by all the jurors, he took to his bed and died. Valerius Maximus has a different story about his death.

On the tenth of December, on which day C. Manilius ceased to be tribune, some charge was brought against him by the aristocratical party. Manilius wished to gain time, but Cicero, before whose court he was brought, opposed his demand, and was hardly persuaded to put off the matter to the following day. The reason which Cicero alleged was that it was near the end of the year. The people took offence at Cicero's behaviour, upon which being compelled by the tribunes he came before the popular assembly, abused the Senate and declared that he would defend Manilius. Some disturbance however which immediately arose prevented the court from being held. Such is the absurd narrative of Dion, who found something in his authorities which he either could not understand or through carelessness has perverted. Plutarch

has another confused story, in which the charge, which Dion does not mention, is said to have been peculation, which offence however did not come within Cicero's jurisdiction. All that we can collect from the two stories is that Cicero did undertake to defend Manilius on some charge, but of course not in his own court, and this is consistent with what Cicero's brother Quintus says (*De Pet. Cons.* c. 13) about Marcus undertaking the case of Manilius. The trial, we may assume, did not take place until after B.C. 66. It is inferred from Asconius (*In Corn.*) that Manilius was tried for something and convicted, but that is as far as we can go in conjecture, and we hear no more of this venal tribune, as Velleius (ii. 33) names him.

If Cicero made some enemies among the Optimates by his extravagant panegyric on Pompeius, his silence about the services of others, and his almost unqualified abuse of the whole body, he made a few friends in another way. During the many years that Sulla had commanded the Roman armies and administered the State, he had taken money out of the public revenue and from the treasury without accounting for it. In fact a usurper always wants money, and he will have it, and there is no use in asking him for an account.

Cornelius Faustus, Sulla's son, his father's personal representative, was answerable for his father's peculation, so far as the proceeds of the peculation (*pecuniae residuae*) had come to his hands, but Cicero declared in his praetorship in an address to the people, that the present was not a fit time to enforce the demand. It does not appear how this matter of the claim on Sulla's property came before the people; but we learn from Cicero himself (*Pro Cluentio*, c. 34) that a tribune commenced a suit against Faustus "*de pecuniis residuis*" before Cicero's colleague in the praetorship, C. Orchivius or Orcivius, and that the jury considered that Faustus could not make his defence on fair terms, when the prosecutor was a man invested with the tribunician power, and accordingly they refused to hear the case. So Faustus escaped, and the money was never recovered. The matter had been often agitated, and as often dropped, partly through fear of Sulla's partisans, and partly because it seemed hard to call a man's

representatives to account after so many years. Cicero's remark that the case should be tried at some fitter time settled the matter, for no future time could be more fit than the past had been.

It was the practice at Rome for a man, who by virtue of his office sat as a judge, to appear as an advocate also in other courts; at least Cicero did so. In this year B.C. 66 he delivered his extant speech in defence of A. Cluentius Avitus or Habitus, as the most recent editors of Cicero now write the name. The whole story is long, and is not told very clearly by Cicero. Cluentius was prosecuted by Oppianicus, the stepson of his own mother Sassia, a woman of the most abandoned character, if Cicero's story is true. Sassia's first husband Cluentius, a distinguished citizen of Larinum in Apulia, died in B.C. 88, leaving a son A. Cluentius Habitus and a daughter Cluentia, who soon after her father's death married her cousin A. Aurius Melinus. Sassia seduced her son-in-law; the young couple were divorced, and Sassia then married the man who had been her daughter's husband. During those troubled times A. Aurius Melinus was proscribed and put to death through the contrivance of his enemy Statius Albius Oppianicus¹, a man well practised in murder, and Sassia became the wife of Oppianicus, of the man who was the cause of her second husband's death. Oppianicus and Sassia now attempted to get rid of Sassia's own son Cluentius, but they failed, and Oppianicus was prosecuted by Cluentius B.C. 74 for instigating certain persons to poison him. Oppianicus was convicted, went into exile and died. Eight years later, in B.C. 66, Sassia induced her stepson Oppianicus to prosecute her son Cluentius on the charge of having poisoned her husband Oppianicus. She prevailed on the young man to undertake the prosecution by gifts, by offering him her daughter in marriage, probably a daughter by Melinus, and by promising him the succession to her property. Cluentius was tried before Q. Voconius (judex quaestionis),

¹ See Vol. ii. p. 362, where it is incorrectly stated that Oppianicus the grandson contrived the death of M. Aurius. Statius Albius Oppianicus, the father of Oppianicus, was the man, who is charged with contriving the death of M. Aurius, and afterwards the death of A. Aurius Melinus.

who presided on the occasion, and a jury. Cicero defended Cluentius. The result of the trial is not known, but a few words of Cicero may imply that Cluentius was acquitted. If Cicero has not exaggerated the crimes of Oppianicus, Sassia and others, the state of morals in Italy during and after the time of Sulla must have been abominable. A people among whom poison was one of the ordinary means of getting rid of an enemy, or of any person whose death would bring profit to the murderer, was corrupted past cure; and there was little hope for a state in which the morality of the rich and powerful at Rome was no better than that of the inhabitants of the country towns of Italy.

Cicero's diligence began with his youth and was never interrupted. It is recorded that after his labours in the Forum during his praetorship he used to attend the school of Antonius Gniphio, who was a native of Gaul and a distinguished rhetorician. Gniphio at first taught in the house of C. Julius Caesar, when Caesar was a boy, and then he had a school in his own house. He taught the principles of his art every day, but he only declaimed at certain fixed times, and it was on these occasions probably that Cicero attended.

CHAPTER VIII.

POMPEIUS AND MITHRIDATES.

B.C. 66—64.

WHEN Pompeius received the news of the bill of Manilius being made a law, he said to those about him that there would never be an end of his toil, and that his only wish was to live quietly with his wife in the country. This was pure hypocrisy, as our authorities affirm; but whether it was or not, he set about the new campaign with his usual vigour, without thinking any more about Crete and Metellus. He was still in Cilicia, says Appian, when he was appointed to the command against Mithridates, but Cicero, who must have known, informs us that he was in Asia, by which he means the province Asia. He says that after the defeat of Fabius and Triarius, Asia would have been lost, if the good fortune of the Roman people had not brought Pompeius to those parts, and that his arrival checked Mithridates who was elated by his unusual success, and stopped Tigranes who was threatening Asia with large forces. Undoubtedly the orator is here stating more than the truth, and he is generally a most unsafe historical authority, but we may take his evidence for the fact that Pompeius moved into the province Asia after he had settled the affairs of the pirates. Cicero also says that his legions were there in winter quarters at the time when he was delivering his speech for the bill of Manilius, and that rumour and letters daily reported how well they were conducting themselves towards the people. It is absurd to suppose that Pompeius would spend the winter in Cilicia, where he could not have fed his men, and where he would

have been so far from communication with Rome. Besides, if he had penetrated into the continent from Cilicia, he must have crossed the range of Taurus, and given his army a useless and laborious march. If Cicero had not told us, we might have guessed that he was waiting in the province Asia, not in Cilicia, for the news from Rome which should bring him that commission, which we cannot help believing that he had long been intriguing for.

A man of a generous temper would have been careful to act in such a way as to spare the feelings of Lucullus, who had broken the power of Mithridates and now saw another coming to reap the fruits of his labours. Pompeius issued orders to the soldiers in Asia to join him, and summoned, says Plutarch, the subject rulers and kings. As he traversed the country, he let none of the arrangements of Lucullus remain undisturbed: he remitted punishments, took away what had been given, and left nothing undone to show that Lucullus was without power. All this is very vague talk and of no value. Lucullus however did complain of the behaviour of Pompeius, and the friends of Lucullus brought about a meeting between the two commanders at Danala, a small place in Galatia, in the territory of the Trocmi. The lictors on both sides carried the fasces wreathed with the victorious bay. The bays of Lucullus were fresh, but those of Pompeius were withered, for he had marched through the wide, treeless tracts of the central part of the peninsula. Accordingly the lictors of Lucullus gave to the lictors of Pompeius some of their own fresh bays, which was a friendly act; but it was also interpreted as a sign that Pompeius was coming to carry off the glory which was due to Lucullus.

The interview was at first friendly, but the generals soon found matter for disagreement and ended with abusing one another: Pompeius charged Lucullus with greediness, and Lucullus charged Pompeius with love of power. Lucullus affirmed that the war was really ended, that there was no occasion for Pompeius marching further, and that the commissioners also were present whom the Senate had sent to settle affairs. Pompeius would not listen to this talk, but advanced against Mithridates, after taking from Lucullus

all the men whom he had except sixteen hundred. Pompeius disparaged the exploits of Lucullus, and openly said that the war was only beginning in earnest. Lucullus retorted that Pompeius was going to fight with a phantom, and like a lazy bird to seize what others had slaughtered. Lucullus had certainly broken the power of the king, though Mithridates was still in arms, and refused to come to terms with Pompeius, who before this interview had sent Metrophanes to him with proposals for peace; or Mithridates sent to Pompeius, as Appian states the fact, but apparently he only tells half the story, as he often does. According to Dion, Mithridates, who was expecting the aid of Phraates, the new king of the Parthians, rejected the proposals of Pompeius; but when he heard that Pompeius had secured the friendship of the Parthian king and persuaded him to invade the dominions of Tigranes, he sent to ask on what terms Pompeius would grant peace. The answer in Dion is that the king must lay down his arms and surrender deserters; but Appian, as we may infer from the words that he uses, has translated strictly the expression of some Roman authority, according to which the terms were a surrender of deserters and the absolute surrender of the king also. Mithridates, it is said, still had in his army many Romans, former partisans of Sertorius, and others who had deserted to him from the troops in Asia. He could not venture to trust himself to the enemy, nor would he give up the Roman soldiers, for they were useful to him. Indeed Dion affirms, and it is very probable, that the king could not have surrendered, if he had wished; for when the terms of Pompeius were known in the army of Mithridates, both the deserters and his own men were ready to mutiny, and were only pacified by being assured that the king had sent commissioners to Pompeius merely to see what force the Romans had, and not with a view to making peace. The king had only thirty thousand infantry and two or three thousand horse, and his army was in want, which led the men to desert, and Mithridates to punish cruelly all who were caught.

Pompeius, who had a large fleet at his command, distributed it along the coast of Asia from Phoenicia to the entrance

of the Black Sea, and thus secured his communication with the rest of the Roman Empire. The strength of his land force is not known except so far as it may be collected from the amount of money paid to the surviving officers and soldiers at the end of the war (Appian, *Mithr.* c. 116; Pliny, *H. N.* 37, c. 2). The mutinous legions of Fimbria took service under the new commander. Mithridates retired before Pompeius, and wasted the country, so that the Roman army fell short of supplies. It is impossible to make a consistent narrative of this short campaign from our extant authorities, but we see that Mithridates was flying before his enemy, that Tigranes was out of the way and in his own country, and that the imminent danger to the province Asia, which Cicero speaks of in his oration for the law of Manilius, was a false report or an invention useful for the orator's purpose. As Pompeius was short of provisions and knew that the less Armenia, which was on the west side of the Euphrates, was unoccupied, he entered that country. This movement brought Mithridates also into those parts, and he took possession of a strong place near the Romans, one of those with which this region abounded, and remained there with his army. Being in his own country he was well supplied, and he hoped to wear out the enemy by hunger. He also frequently sent his cavalry down into the plain, to attack any of the Romans whom they might find there. As many of the men of Pompeius began to desert, he removed to another position which was surrounded by the forest, and thus he was protected against the enemy's cavalry and the bowmen. The first encounter between Pompeius and the Pontic king was brought about by the Roman general drawing the enemy's cavalry into an ambuscade, in which a large number of them were killed. Pompeius was now emboldened to scour the country in search of supplies, and Mithridates became less confident in his cavalry. This appears to be the stratagem which Frontinus describes more particularly (ii. 5. 33) perhaps on the authority of Livy, and Appian also mentions it.

Pompeius had gained possession of Anaitis or Acisilene, a country on the east side of the Euphrates, which river separates Acisilene from the less Armenia, and his success

made the people in those parts favourable to him and of course enabled him to feed his army. He was also joined by the soldiers of Q. Marcius Rex from Cilicia, a fact which proves that Pompeius was not in Cilicia, when he received his new commission and began his march against Mithridates. The men of Marcius must have made their way with some difficulty over the mountains to the Euphrates, if they were stationed in the Level Cilicia south of the Taurus.

Mithridates seeing that the enemy had secured supplies and was strengthened in force determined to retire into Armenia before his retreat was cut off, for Pompeius began to shut him in with a trench a hundred and fifty stadia in circuit, which was protected by forts stationed at intervals, which description in Appian reminds us of Roman operations of contravallation and is undoubtedly derived from some Roman authority.

The king made no attempt to stop the works of the enemy, and remained blockaded for about fifty days during which time all the animals were consumed except the horses. At last he stole away by night leaving numerous fires burning. Frontinus, who has reported this stratagem, implies that Mithridates made his escape before the works of Pompeius were completed, and this is probable. The sick and disabled were massacred by the king's order, who no longer thought of any thing except securing his own safety by a rapid retreat, and to effect his purpose he rested by day and marched by night. Pompeius was eager to bring him to a fight, but Mithridates would not leave his position in the day, and the Roman general knew the danger of attacking an enemy by night in an unknown country. But as the king was now approaching the borders of Armenia, it was necessary to make a night attack to prevent his escape. Accordingly while the enemy was reposing during the day, Pompeius marched forward to a valley surrounded by hills on the road by which the king would pass. The Roman army occupied the heights, and the enemy entered the valley without suspecting the danger. The night was dark: not a star was visible. All at once the trumpeters on the signal being given blew a loud blast: the soldiers and the camp followers

responded by a terrific shout, striking their spears against the shields and beating the brass utensils with stones. The sounds were re-echoed from the hills and increased the terror of the enemy, upon whom showers of stones, javelins and arrows descended on all sides from an unseen enemy. Horses and camels, men and women, some on horseback, some in chariots, others in covered carts and waggon were mingled together in confusion. When their missiles were exhausted, the Romans came down from the heights and attacked with the sword. A single blow was sufficient to despatch a man, for most of the Asiatics were poorly armed. Those who were on the outside fell first; and as the rest for safety crowded together, many of them perished in the press and were trampled under foot. The king's army chiefly consisted of bowmen and horsemen, who in the darkness and disorder could neither help themselves nor offer any resistance to the Romans. At last the moon rose, and gave the Asiatics some hope; but unfortunately for them it shone right in their faces, while it was at the back of the Romans, who could see clear before them, while the enemy being dazzled by the bright rays and perplexed by the long shadows of their assailants aimed their blows at random and were cut down before they could protect themselves. More than ten thousand perished in this fight, and as many were made prisoners. The loss of the Romans was very small¹.

The king at the beginning of the fight with eight hundred horsemen forced his way through the Romans, but his followers soon dispersed and he was left alone with three persons, one of whom was a woman, probably a Greek, named Hypsi-

¹ Appian and Dion may have drawn from the same source the description of the short campaign between Pompeius and the king, but the narratives differ considerably. Dion says nothing of the lines which were drawn round the king; and instead of the fight by night, Appian has a story of a battle by day, in which the king's force, which had occupied a strong height, being attacked by the Romans was seized with panic, when some leaped down the precipices, and others perished by the sword to the number of ten thousand. A careful examination shows that the two compilers so far agree that they used the same original, and yet they differ so much that it is possible that each also used some authority which the other did not. It is painful work to construct a narrative out of such materials.

cratia, whom the king used to call Hypsicrates because she had the spirit and the courage of a man. This woman, who was armed like a Persian and mounted on horseback, accompanied Mithridates in his flight and attended to him and his horse, till they arrived at a strong fort, where the king kept some of his treasures. The real name of the place is doubtful: in Appian it is Sinorega, in Plutarch Inora, and Sinoria in Strabo, who says that Theophanes, who wrote the campaigns of Pompeius, gave it the name Synoria because it was on the borders of the Great Armenia². In the Antonine Itinerary the name occurs in the form Sinerva.

According to Appian's narrative, Mithridates arrived at Sinoria with some horsemen and three thousand foot soldiers. He gave presents to those who accompanied him and a year's pay. He was also so provident as to supply his friends with poison, that none of them should fall into the hands of the Romans against his will. From Sinoria he took with him six thousand talents and hurried towards the sources of the Euphrates with the intention of reaching the country of the Colchi, as Appian says, and on the fourth day without having rested he crossed the Euphrates. He spent three days in arming and bringing into discipline those who were with him or came to him, and then entered Chotene, a part of Armenia, where he drove away the Choteni and Iberians, who attempted to impede his route, and at last reached the Apsarus river (Joruk Su), which flows into the Black Sea. Appian is here evidently following some authority closely, as he often does, but unfortunately in his epitomizing process he omits many facts. We must add from other authorities that the fugitive king intended once more to seek the protection of his son-in-law Tigranes, but the Armenian instead of receiving the suppliant put his messengers in chains, for he believed that his son Tigranes had been encouraged by Mithridates to revolt against his father. Plutarch states that Tigranes even set a price of one hundred talents on the head of Mithridates.

If Mithridates intended to seek refuge with Tigranes, it is consistent to speak of his passing the Euphrates near the source of that river, and we can understand that after he was

² See Groskurd's note on Synoria, Strabo, 555.

repelled by the Armenian king, he fought his way through barbarous tribes armed only with arrows and javelins, until he reached Colchis, crossed the Phasis and wintered in Dioscurias (Iskuria) on the coast of the Black Sea near the forty-third degree of north latitude, where he was safe from pursuit. His long career was ended, but, as we shall see, he made a last desperate effort to establish himself in a remote part of his dominions. Pompeius employed his time after this decisive victory in founding a city, which he named Nicopolis, on or near the site of the battle, and he placed in it the wounded and some of the soldiers who were past service. The new city received also many of the neighbouring peoples, who voluntarily settled there. It continued to exist when Dion wrote, and was attached to the administrative division of Cappadocia.

If we knew the position of Nicopolis, we should be able to understand better the events which terminated the military career of Mithridates. Some writers have placed this city on the Lycus, a branch of the Iris, but this opinion cannot be reconciled with the facts of this short campaign. Nicopolis was in the Less Armenia, the limits of which cannot be accurately defined. The passage of Strabo (p. 555) in which he speaks of Nicopolis, is not clear, but he plainly says that Mithridates fixed himself on a mountain near Dasteira in Acisilene, and was there blockaded till he made his escape over the mountains to Colchis and thence to the Bosporus. Strabo adds that the mountain was near the Euphrates, which separates Acisilene from the Less Armenia, and that Pompeius "founded about (or near) this place in the Less Armenia the city Nicopolis, which still exists and is populous." According to the geographer Mithridates was blockaded on a mountain on the east side of the Euphrates and Nicopolis was near it, but on the west side of the river.

Orosius (vi. 4) certainly no trustworthy writer, occasionally closely copies his authority, as we may see from the precision of some passages, which make a striking contrast with the general looseness of his narrative. He says that Pompeius blockaded Mithridates near a mountain named Dastracus, which may be Strabo's Dasteira, and that the king made his escape by night, and was pursued by Pompeius. After the

night fight and his total defeat the king made his escape to a fort and thence advanced towards Armenia. Pompeius, who had followed him, founded a city Nicopolis for his wounded and worn-out soldiers between two rivers, which take their rise from two different caves in the same mountain, the Euphrates and Araxes. This is precise enough, and yet it is certain that it is not true. Plutarch's narrative implies that Nicopolis was somewhere near the Euphrates, for he says that after Mithridates had been blockaded and had stolen away, he was overtaken by Pompeius on the Euphrates, and here the decisive battle was fought at midnight, just as the moon was sinking in the horizon. This may be reconciled tolerably well with Strabo. In the book on the Alexandrine war there is a description of the march of Domitius from Comana in Pontus to Nicopolis (c. 35, &c.) and of the situation of Nicopolis, which shows plainly that this town was not on the Lycus.

The defeat of Mithridates opened to the Romans the road into Armenia. Tigranes, a mean and contemptible prince, had not the courage of the king of Pontus, and he was hated by his people and his own family. He had three sons by Cleopatra, the daughter of Mithridates. Two of them he had put to death, and the third named Tigranes fled with some of the Armenian nobles to the Parthian king Phraates, who gave the young man his daughter to wife. Phraates, as already stated, had made some kind of a league with Pompeius, and was now persuaded by his son-in-law to invade Armenia. The old king fled to the mountains, and the invaders, who received the submission of all the country as they advanced, at last reached the capital Artaxata on the river Araxes. But the siege of such a place required a long time, and Phraates retired leaving his son-in-law only a part of his army. The Armenian king now recovered his courage, and attacked his son whom he defeated. Young Tigranes at first made an attempt to join his grandfather, but hearing that he was a helpless fugitive he went to Pompeius, who employed him as a guide to show the Roman army the way into Armenia. According to Appian, Pompeius was already on his march when young Tigranes met him, and Phraates, who was anxious to secure the favour of the Roman general, approved

of his son-in-law going to Pompeius; but Appian's narrative cannot be altogether reconciled with Dion's. When Tigranes heard of the advance of the Roman army, he sent messengers to Pompeius, and also the ambassadors of Mithridates whom he had kept in chains, but as his son opposed any moderate terms being granted, Tigranes determined to surrender Artaxata, and to visit the Roman camp without any of the marks of regal rank except the tiara and the diadem. Some tribunes and commanders were sent by Pompeius to escort him, but the king's attendants ran away as the Romans approached, for their master had received no promise of safety. The king was not allowed to ride into the Roman camp. The lictors ordered him to dismount; no man, they said, could enter on horseback. Tigranes obeyed, gave up his sword and was led to the presence of the Roman general, who was seated to receive him. The king took off his diadem, but whether Pompeius allowed him to fall prostrate after eastern fashion, or was satisfied with seeing him prepare to do this last act of humiliation, we cannot determine from our authorities. However he replaced the diadem on Tigranes' head, and gave him a seat near his own. Thus the proud king of kings received his crown from a Roman soldier. The son, who was seated on the other side of Pompeius, neither rose when his father entered nor took any notice of him. He was disappointed at the reception, for he expected his father's kingdom. But instead of taking his kingdom Pompeius told Tigranes that he had not lost Armenia, and that he had gained the friendship of the Roman people. The interview was very like what might take place between two modern potentates, when one has conquered the other, or when they have been near fighting and have patched up their quarrel for the present. Tigranes of course apologized for his past behaviour. Those who are curious to see in what language this Armenian king expressed his supreme satisfaction at submitting to so great a man may find it in a chapter of Velleius, furbished up in the very best style of historical rhetoric. After such a pleasant interview an invitation to dinner from the general was a matter of course. The father accepted, but the son rudely refused, which showed that he did not possess even the elements of

kingcraft. The next day was devoted to business. Armenia with the ancient boundaries was secured to old Tigranes. The country could be of no use to the Romans, nor could they have kept it, if they had wished. Pompeius therefore wisely maintained the Armenian kingdom, which would separate the new Roman acquisitions in Asia from the restless Parthians, and if the Parthians and Armenians should choose to quarrel, which was very probable, their disputes would not interfere with the interests of Rome. It was settled that the son should succeed the father on the throne of Armenia, and for the present he must be content with Sophene, a country east of the Euphrates between the Antitaurus and Masius. Appian adds that Gordyene was added to the son's appanage, but the evidence of this writer is very small, whenever he speaks of geographical facts, for he observes that Sophene and Gordyene form the Less Armenia. But the king lost all his conquests or new acquisitions; among which were parts of Cappadocia and Cilicia with Syria and Phoenicia. The last thing to be settled was the money question. The king agreed to pay down six thousand talents as a penalty for his misconduct, and the price of the Roman recognition of his title to his shrunk dominions. He was so delighted with the terms that of his own free will he gave every Roman soldier fifty drachmae, every centurion a thousand, and to every tribune ten thousand or according to some only a talent. The six thousand talents were delivered to the quaestor and duly entered in the public accounts. The fact is mentioned as honourable to Pompeius, though he did no more than the law required; but Roman generals in foreign parts were not always so honest.

Every body was delighted with these arrangements except the son. The great storehouse of the money was in Sophene, and young Tigranes claimed both the country and the money which was in it. As his claim was not allowed, he attempted to escape, but Pompeius secured him without putting him in chains, and sent an order to those who had the care of the money to give it up to King Tigranes. If this money was lost, the bargain between Pompeius and the Armenian king could not be completed. The keepers of the money refused

to surrender it, unless young Tigranes gave the order, for they said that the country belonged to him. Accordingly the prince was sent to give the order, and men were sent with him to see that the order was given. The young man came to the strong places where the money was kept and found them all closed. However he approached as near as he could and much against his will commanded the keepers to open. Still the men refused, alleging that Tigranes gave the order under constraint. Pompeius was irritated by all this delay, and he ordered the prince to be put in chains, for he was also suspected of forming designs against his father, and of being encouraged to this treachery by those Armenians who had left the king when he was going to the Roman camp. The money was at last secured, but the prince was not set free, though his father-in-law Phraates claimed him and at the same time proposed that the Euphrates should be the boundary between the Romans and the Parthians. Pompeius replied that Tigranes belonged to his father rather than to his father-in-law; and as to the boundary, he made an answer that will do just as well on any like occasion at the present time as it did then: he said he should do what was just. Young Tigranes was afterwards carried to Rome and appeared in the triumph of Pompeius.

Pompeius sent L. Afranius to take care of Armenia Proper. He himself passed the winter in a region named Tanaitis by Dion, and on the banks of a river named Cyrnus in Dion's text. Both these names are corrupted. Tanaitis has been changed by the editors into Anaitis, which makes the matter worse, for the only Anaitis that we know is the country also called Acisilene. The Cyrnus is the Cyrtus in Appian, but the genuine name of the river is Cyrus (Kur). If Pompeius wintered on the Cyrus, he had crossed the Araxes and he must have made a long march northwards before he reached the Cyrus, a river which flows from the high Caucasus and joins the Araxes. After the junction the united stream flows into the great salt lake named the Caspian.

Our authorities give us no further information, and so we cannot explain why Pompeius went so far north. We can only conjecture that he was compelled to spend the winter in

these remote parts, for he could not leave Armenia so late in the season, and that he found better quarters on the Cyrus than on the Araxes. North of the Cyrus was a nation named Albani, who had a king Oroeses. This Albanian king was a friend of young Tigranes; and partly because he wished to please Tigranes and partly because he was afraid that the Romans might enter his country, he determined to attack them in the winter, and he had some hope of success because Pompeius had distributed his troops in three camps, probably for the purpose of securing supplies. It happened that the time chosen for the attack was the Saturnalia or the nineteenth of December, which was a day of festivity in the Roman camp. The king led his division against Metellus Celer, who had Tigranes with him; a second division was sent against Pompeius and a third against L. Flaccus. The design was that the three attacks should be made at the same time, so that the Romans would not be able to help one another. Metellus repelled the attack of Oroeses. Flaccus, seeing that he could not protect the whole circuit of the ditch which enclosed his camp, dug another ditch within the larger, which circumstance made the enemy think that he was afraid, and induced them to cross the outer ditch to attack the camp. But if the attack was so sudden and unexpected, Flaccus would not have had time to dig his second ditch, and, if he had two ditches, we must suppose that both were made when he was fortifying his camp. The Albanians were suddenly attacked while they were between the two ditches, put to flight, and many of them were killed. Pompeius had received intelligence of the attack on the two divisions of his army, and accordingly he went to meet those who were coming against himself, and falling on them unexpectedly he put them to flight. Many of the barbarians were killed as they were repassing the river Cyrus. The Albani sued for peace, which was granted by Pompeius, who did not wish to make a winter campaign.

In the next spring (B.C. 65) Pompeius was engaged in hostilities with the Iberes, a people who occupied the upper parts of the valley of the Cyrus on both sides of the river. The country of the Iberes was bounded on the north

by the great mass of the Caucasus, which sends out many arms towards the south. These offshoots, which were fertile, formed the boundaries between Iberia and Colchis on the west, and between Iberia and Armenia on the south. The basin enclosed by these mountains was a plain drained by many rivers, the largest of them the Cyrus, which rises in Armenia and flows immediately into the plain already described.

The Cyrus after receiving the Aragus (Aragua), which comes down from the highest summits of the Caucasus, and many other streams, enters Albania through a narrow valley. The plain of Iberia was inhabited by an agricultural people, who were disposed to peace and lived after the fashion of the Armenians and Medes. The mountainous parts were occupied by a more numerous and a warlike race, who however paid some attention to agriculture. Whenever the occasion arose, the mountaineers and the men of the plains could muster many thousands of fighters. Iberia contained numerous towns and farm-houses: the roofs were made of tiles and both the style of the houses, of the market-places in the towns, and other public buildings had some architectural character. There was a mountain pass into Iberia from Colchis on the Euxine. The road from the sea followed the valley of the river Phasis up to a hill fort named Sarapana, as far as which the river was navigable. From Sarapana it was four days' journey by a carriage road over the mountains to the banks of the Cyrus in Iberia. Artoces, the king of the Iberians, fearing that Pompeius would pay his country a visit, for he must pass through it if he wished to reach Colchis, sent ambassadors to the Roman general on the pretence of seeking his friendship; but in the meantime the king made preparation to attack him when he was unprepared. Pompeius anticipating the king's intention entered the country before Artoces was ready for him and before he had time to defend a very difficult pass, through which the Romans must come. In fact Pompeius reached the place before the king knew any thing of his approach. This pass is described by Strabo as the entrance from Armenia into Iberia. He speaks of a narrow pass on the Cyrus and also on the Aragus. Just

above the junction of the two rivers each river had a fortified place on the rocks to command the road, and the two forts were only sixteen stadia apart. The fort on the Cyrus was named Harmozica and that on the Aragus was Seusamora. The king crossed the river, the Cyrus we may assume, and burnt the bridge behind him. The men who occupied Harmozica after making some resistance surrendered. Pompeius having got possession of the passes left a force there to secure them, and made himself master of the country on the south side of the Cyrus.

According to the text of Strabo, Pompeius entered Iberia at or near the junction of the Cyrus and Aragus, and consequently north of the modern town of Tiflis, the capital of the Russian province of Georgia. The geographer has already spoken of a long defile through which the Cyrus flows after the junction with the Aragus, and this appears to be the defile at the southern extremity of which Tiflis is situated. But when Strabo says that the pass by which Pompeius entered Iberia led from Armenia, it is conjectured that he either made a mistake in giving the name of Aragus to the river, which joins the Cyrus at this defile, or his text is corrupted¹.

When Pompeius was preparing to cross the Cyrus, the king sent to him to ask for peace, and proposed to restore the bridge and to furnish him with supplies. The farmers south of the river had doubtless been well plundered by the Roman army, whose commissariat in these remote parts must have been very imperfect, and they would be compelled to live on the stores which they found in the country. The king promised supplies in the hope of coming to terms with these formidable invaders, but when the Romans crossed the Cyrus, he fled to another river named the Pelorus, where he might have disputed the enemy's passage. Pompeius pursued the flying Iberians, overtook them before they had crossed the Pelorus, and by attacking them before they could use their bows and arrows effectually he routed them in a moment. The king succeeded in getting across the river and burnt the

¹ There is a note on this passage in Groskurd's Strabo, ii. p. 375, and certain conjectures about the text. It is difficult to explain the text as it stands.

bridge; but the bulk of his army, which was left on the other side, was destroyed in the fight or while the men were attempting to ford the river. Some of them escaped to the forests and took shelter in the lofty trees from which they defended themselves with their arrows, until the Romans cut down the trees and killed them all. Above nine thousand Iberians perished and ten thousand were made prisoners. The king again sent a message with valuable presents, a couch, a table and a seat, all of gold. Pompeius accepted the presents, which he delivered to the care of the quaestors. His object in accepting the presents was to induce the king to hope for peace, and not to fly before him, but he refused to come to terms unless the king sent his sons as hostages. The king hesitated until the Romans crossed the Pelorus, which was now easily forded as it was the dry season, and the Iberians did not oppose them. Artoces now gave his sons as hostages and peace was concluded.

From Iberia Pompeius entered Colchis by the mountain pass already described, and followed the Phasis down to the mouth, where he found Servilius who was guarding the Black Sea with his fleet. The design of Pompeius was to follow in the track of Mithridates, who had retired to the Crimea, but he was soon convinced that a march along the east coast of the Black Sea was impracticable, and it would be dangerous to embark his troops in vessels on a sea where he would find no ports, and only meet with enemies whenever he approached the coasts. Accordingly he ordered the fleet to keep watch on Mithridates so that he could not leave the Crimea, and that no vessels should sail to those parts. Appian's narrative makes Pompeius pursue Mithridates into the country of the Colchi immediately after his defeat; and he places the final defeat of the Albani, the invasion of Armenia, and the submission of Tigranes after the visit to Colchis; but his narrative is evidently false, and his great ignorance of geography prevented him from seeing the absurdity of saying that Pompeius entered Colchis and immediately after defeated the Albani and Iberes on the Cyrus, without adding one word to explain how or why the Roman general transported himself at once to the banks of the Cyrus from

Colchis. Instead of making an intelligible narrative he amuses us with a story of Pompeius traversing Colchis to inquire about the places visited by the Argonauts and Castor and Pollux, and being particularly anxious to see the mountain in which Prometheus endured his sufferings. This gives Appian the opportunity of stating a curious fact. Many of the streams from the Caucasus bring down particles of gold so fine that the eye cannot detect them. The natives place thick fleeces in these rivers, and thus secure the fine gold dust which is caught in the wool. Such, he adds, was probably the golden fleece of King Aetes.

Pompeius was recalled from Colchis to the Cyrus by a rising of the Albani, against whom the Romans advanced, not by the shortest road, but by re-entering Armenia; and this was done, says the historian Dion, that Pompeius might thus surprise them, for they would rely on the treaty with the Romans as a security against attack. But this implies that Pompeius was going against them without any cause and any provocation. Such is the way of writing of an historian whom we must follow for want of a better. It is Plutarch who tells us that the Albani had risen in arms, but he does not say against whom they had risen, nor even give the plausible and possible, but very improbable reason, that Pompeius had left some troops in that country. When Pompeius reached a certain ford on the Cyrus, which he must cross to enter Albania, he found the passage impeded by stakes; but as it was the hot season and the river was low, there were other places where a passage was practicable. To make the crossing more secure, the general adopted a Roman practice of securing the passage of the infantry. He placed the cavalry highest up the stream, then the baggage beasts with men on each side of them to be ready if any of the animals should lose their footing, and lowest down was the infantry. From the Cyrus the army marched to the Cambyeses unmolested by the natives, but the men suffered greatly from the heat, though the marches were chiefly made by night, and from thirst, for the prisoners, who were the guides, did not lead them by the best road. When they reached the river, the men drank too copiously of the water, and suffered from it. The Cambyes

(Yori) is a branch of the Cyrus, which descends from the highest part of the Caucasus near the source of the Aragus, and the water which was supplied by the melting snows was exceedingly cold. Finding no enemy on the Cambyses the Romans still continued their march north and east to a river named Abas by our authorities, probably the Alazonius (Alasan) of Strabo. They carried nothing with them from the Cambyses to the Abas except skins filled with water, for this tract named Cambysene, through which the road lay from Iberia to the Alazonius, is waterless and rugged till you reach the river. The natives readily furnished the army with food, from which we must conclude that the country was populous and well cultivated. In return the Romans prudently abstained from molesting those who fed them.

This extensive country named Albania, which very nearly corresponds to the Russian province of Georgia, lay between Iberia on the west and the Caspian which was the eastern boundary. The northern boundary was the Caucasus, which towers above the plains of Georgia, and running in a south-east direction touches the shores of the Caspian a little north of Bakou. The southern boundary of Albania was Armenia. The Cyrus would form a natural limit between Armenia and Albania, but it is difficult to ascertain what the boundary was. When Strabo speaks of the Cyrus as flowing through Albania, if we interpret his words strictly, part of Albania was south of the river; but this may not be his meaning. The land of Albania was generally most fertile, but the people did little to it. They turned the soil with a wooden plough and never gave it any rest. The country produced all kinds of fruit in abundance, particularly grapes. The whole plain was better watered than Babylonia and Egypt by rivers, and the other streams, by which the geographer may mean artificial cuts for irrigation; but this supposition, though it gives an intelligible sense to Strabo's words, is perhaps inconsistent with what he has said of the little industry of the people. The men were distinguished by their beauty and stature. They were simple in their manners and free from the vices which a nation of traders has. All their exchange was effected by barter. They could raise a larger military

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force than the Iberians. When they opposed Pompeius, they had sixty thousand infantry and twenty-two thousand horsemen.

The Romans had crossed the river when news came of the approach of the Albanian king, and the general prepared to receive him. In order to induce him to attack before he could see the strength of the Roman army, Pompeius placed all his cavalry in the front, and the infantry behind, resting on their knees and covering themselves with their shields. Frontinus, who reports this stratagem, tells the story better than Dion. Pompeius, he says, placed his infantry in a defile near a hill, and ordered them to cover their helmets that the flashing of the metal might not betray them. The cavalry advanced to meet the Albanians, and as soon as they were attacked, they fled pursued by the enemy up to the place where the infantry was concealed. Here the Roman cavalry wheeled off to the right and left, leaving the ground open for the infantry, who suddenly rising up checked the pursuit of the Albanians, and surrounded many of them who were cut to pieces. At the same time the Roman cavalry from the right and left fell on the rear of those who were not surrounded by the infantry. Many were easily destroyed in the open country, for they were ill-armed, most of them having only the skins of beasts as a defence. Others escaped to the forests, which the Romans set on fire. In this battle Cosis a brother of Oroeses attacked Pompeius and struck him with a javelin on his breastplate, but Pompeius drove his javelin through the body of the Albanian chief.

Plutarch reports that it was said that Amazons fought on the barbarian side; and when the dead were stripped after the battle, the Romans found Amazonian shields and boots, but no body of a woman. Appian on the contrary following some authority states that there were many women among the hostages and the prisoners, and that they were wounded as much as the men. These women were supposed to be Amazons, but the historian cannot determine whether there was a nation of Amazons who lived near the Albanians, or whether the barbarians of these parts give the name of Amazons to certain fighting women. There were, it was said, Amazons

in the mountains above Albania; and Theophanes, who was with Pompeius in this expedition, says that two tribes named Gelae and Legae live between the Amazons and the Albani. Others, such as Metrodorus of Scepsis and Hypsocrates, who were also acquainted with these parts, affirm that the Amazons lived by themselves near the Gargareis on the lower hills at the foot of the north base of the Caucasus. These women carried on all the usual occupations of men: the strongest among them hunted on horseback and practised military exercises. During two months of the spring it was their custom to visit a neighbouring mountain which separated them from the Gargareis, who also visited the mountain at the same time to sacrifice with the women and to cohabit with them for the purpose of begetting children. When the men had made the women pregnant, they sent them away. The females which were born after these meetings were kept by the women, and the males were given to the men, every one of whom had a fatherly feeling towards each child, for any of them might be the son of any of the men. Strabo remarks that the story of the Amazons is unlike any other, for instead of being false and monstrous as to the events of antient times only, it is monstrous and incredible even in what was said of them in his time. He asks, who would believe that an army or a state or a nation of women could ever subsist without men, and even make expeditions to foreign parts, as to Ionia and Attica. The answer is that the old stories about the Amazons may be entirely false, and the recent stories about them may not be altogether true, and yet it is quite possible that some of the women of the Caucasian mountaineers served in war. The story about their living alone is improbable; but the annual meeting on the mountain of males and females may be a fact, and though the purpose or the pretext was a religious ceremony, that is no reason why it may not have been followed by the birth of many children. If Strabo disbelieved every part of this story about the Amazons of the Caucasus, he should have given some other reasons for rejecting what was said by those who had the best opportunities of knowing.

Pompeius again granted peace to the Albanians, and left

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the country. We cannot tell from such authorities as we have why he invaded it, and why he visited it a second time after having entered Colchis. When he was in Albania, he had a strong wish to see the great salt lake named the Caspian, which became known to the Western nations from the writings of the Greeks, and according to Plutarch, he set out in that direction after the battle, but "he was turned from his route by the number of deadly serpents when he was three days' march from it." The nature of the country near the Caspian would make a march difficult in the hot season, but so far as we can judge the natives could have offered no opposition to a Roman army. Want of good water, the heat, the swamps and even the snakes and other venomous reptiles, which still abound in some of the parts near the Caspian, were sufficient to deter the commander from such an undertaking.

Phraates was alarmed at the success of Pompeius and his lieutenants, and he wished to renew the treaty with him. Gabinius had crossed the Euphrates and advanced as far as the Tigris to watch the Parthians. This is the first time that the name of A. Gabinius occurs in the third Mithridatic war. He had now got employment under Pompeius as a reward for his services at Rome, and either with Cicero's assistance or at least his hearty good will (p. 137). But the king got no satisfactory answer by the ambassadors whom he sent, and he received notice from Pompeius to give up Gordyene, which he claimed to hold against Tigranes. Before he had time to answer the summons, Pompeius sent L. Afranius who took possession of Gordyene without meeting with any resistance, and the territory was given to Tigranes. It appears that Afranius had orders to advance into Syria after settling the affair of Gordyene and coming to some kind of terms with Phraates, for Dion says, that, contrary to his agreement with Phraates, Afranius marched through Mesopotamia to Syria, and having lost his road he would have perished through the bad weather and famine, unless the inhabitants of Carrhae, a Macedonian settlement, had relieved his wants and helped him on his way.

Our confused authorities make it impossible to state clearly

the movements of the Roman general after he withdrew from Albania. It is said that he marched into the Less Armenia, where he received ambassadors from the kings of the Elymaei and Media, and it was in this country according to Plutarch that the ambassadors of Phraates found him. He seems to have moved from the Less Armenia into Pontus, and it may have been on this march that he lost a cohort as Strabo reports. The wild mountaineers placed bowls of the poisonous tree honey in the soldiers' way, and when they were maddened by drinking of it, the natives attacked and killed them. Pompeius received from Stratonice the surrender of the strong fort Caenum in Pontus, which was less than two hundred stadia from Cabira. Caenum was an abrupt rock, on the summit of which was a copious spring, and at the base a river and a deep ravine. It was connected with the surrounding heights by a neck or isthmus, high above which towered the impregnable natural fortress. The place was also protected by a wall of wondrous strength, as the remains in Strabo's time showed, for the Romans had only destroyed part of it. The country round the fort was mountainous, covered with forests and without water, so that an enemy could not encamp within one hundred and twenty stadia of the place. Here Mithridates had deposited his most valuable treasures under the care of Stratonice, who may be called one of the women or one of the many wives of Mithridates, and if we may conclude any thing from her name, she was a Greek. This woman was the daughter of a harp or lute player, and herself a musician. On some occasion when she was playing in company with her father before the king over his wine, she made so sudden a conquest that he went straight to bed with her, without speaking even a civil word to the father who was sent away. However the old man was conciliated next day by the splendid presents of the king. Stratonice gave up all to Pompeius, who took only such things as were fit for the decoration of the temples and to adorn his triumph, and told the woman she might keep the rest. These valuable things were dedicated in the Roman Capitol by Pompeius, and were there in Strabo's time. Pompeius no doubt also carried off the money, which was in brass vessels

bound with iron hoops and hid in subterraneous chambers. Stratonice discovered every thing to the Roman general, and only asked for one favour, that if Xiphares, her son by Mithridates, should fall into his hands, his life should be spared. Xiphares was at this time with his father.

In Caenum Pompeius found private writings of Mithridates, which he read with pleasure, for thus he learned the man's character. These memoirs we must assume to have been in Greek, or Pompeius would not have been able to read them. Like some other great villains Mithridates had kept a record of his crimes: he had registered the names of those whom he had taken off by poison. This strange book contained also interpretations of dreams, some of which were his own dreams, others were the dreams of his women. There were also lewd letters of his favourite Monime (vol. ii., p. 268) and the king's answers to her. Theophanes, the historiographer of Pompeius, made use of these memoirs, and there is no doubt something from them in Plutarch's Life of Pompeius and our other authorities; but there is good reason for not placing much confidence in this Greek, when he asserts that there was among the writings found at Caenum an address from P. Rutilius Rufus in which he urged Mithridates to massacre the Romans in Asia (vol. ii., p. 270). If this was a malicious invention of Theophanes, as some persons believed, he was a vile sycophant of Pompeius and a contemptible man.

From Caenum Pompeius went to Amisus, where he did the very thing for which he had blamed Lucullus. Though Mithridates was still alive and was even collecting a force in the Crimea, Pompeius began to settle the conquered countries, as if the war was terminated. But we are not informed particularly what were the arrangements he made at this time. He had other ambitious designs to accomplish, among which was the taking possession of Syria, which we can easily understand, but it is difficult to believe that he had any thoughts, as Plutarch reports, of advancing through Arabia to the Erythraean sea or the Indian Ocean, "that in his victorious career he might reach the ocean that encompasses the world on all sides" (Plutarch). If Plutarch found any

thing of this kind in Theophanes, it will give us some idea of the character of the Greek's history. Pompeius determined however to leave Pontus behind, but other wretched authorities do not say what precautions he took against the possible return of Mithridates to his kingdom, except that the commander of the fleet in the Black Sea was instructed to stop all vessels from going to the Crimea.

Mithridates after his defeat spent the winter in Dioscurias (p. 151), which was a place of resort for the numerous tribes that inhabited the Caucasus. It was said that seventy different languages were spoken by the mountaineers who visited this commercial town: those who were given to exaggeration raised the number to three hundred. In this place the king probably raised some recruits, and he set out in spring to make his way along the coast to the straits which connect the sea of Azof with the Black Sea. He first passed through the country of the Heniochi, who at that time were governed by four kings. He met with no opposition here, but as he advanced north into the country of the Zygi, being stopped by the difficulty of the road and the hostility of the people he was compelled to embark in the vessels which accompanied him along the coast. On reaching the Achæi, at first, as it appears, he met with some resistance, but either by force or by persuasion he brought the barbarians to terms, and ended his long march of four thousand stadia by entering the Maeotis or the country which lay on the east side of the sea of Azof and is separated from the Crimea by the Cimmerian Bosphorus. The Maeotis contained many petty rulers, who received Mithridates well, for his name was great among these barbarous peoples, and he had still a force sufficient to command respect. Presents were interchanged between the king and these petty chiefs, and alliances made. It is said, but not said how it was known, that he still formed magnificent and impracticable designs; to march through Thrace into Macedonia, and to cross the Alps into Italy; and to further this purpose he endeavoured to secure the friendship of the principal potentates in these parts by giving them his daughters, of whom he had, as we read, a large stock on hand, always ready on such occasions. The king possessed in this country

the peninsula of Taman on the right side of the straits, and the town of Phanagoria, which was near the site of the modern town of Taman and at the entrance on the left hand of the bay into which the river Kouban flows. Phanagoria was the chief town of the princes of the Bosphorus on the Asiatic side of the straits, and the great market for all the commodities which came from the Maeotis and the countries further inland. The capital of the kingdom of Bosphorus on the European side was Panticapæum (Kertch). Machares the son of Mithridates, who had been set over these parts by his father, had been a traitor to him (p. 82); and now being alarmed at the king's approach he sent ambassadors to excuse his dealings with the Romans on the ground of necessity. However knowing his father's temper Machares escaped over the straits into the Crimea, having first burnt the vessels on the Asiatic side to prevent pursuit. But the king found fresh vessels, which he sent after his son, who, as Appian states it, anticipated his fate by committing suicide. As Dion has it (36. c. 33), the father bought the services of those about Machares by a promise of pardon and presents, and thus effected his son's death.

CHAPTER IX.

DEATH OF MITHRIDATES.

B.C. 64—63.

LEAVING his winter quarters Pompeius set out on his march for Syria by a road which led him past the place, where three years before Valerius Triarius had been defeated by Mithridates (p. 98). The Roman soldiers who fell in this battle still lay unburied, and Pompeius performed the duty which Lucullus was blamed for neglecting. The bones were interred with splendid ceremonial and due honours. Before Pompeius entered Syria, L. Afranius had subdued the Arabs in the neighbourhood of the Amanus, with the view probably of securing an easy passage over this mountain range for the army of Pompeius.

After the final humiliation of Tigranes it was necessary to restore order in the affairs of Syria, which had been ruined by a succession of wretched princes. In the reign of Antiochus Eusebes of Syria, and probably in B.C. 83, the people being weary of their dynasty had, according to one story, invited Tigranes to take the Syrian kingdom and the dependencies. But according to Appian, Tigranes invaded Syria, and meeting with no resistance from Antiochus Eusebes he took possession of all the kingdom west of the Euphrates, and all the countries dependent on it as far as the borders of Egypt. He also seized Cilicia, which was under the dominion of the Syrian kings. Tigranes appointed Magadates, one of his generals, to be his governor over all these new acquisitions. We may from this fact form a just estimate of the miserable condition of Syria and of the imbecility of a

Syrian king, who fled before such an enemy as Tigranes. When Lucullus advanced against Tigranes, Magadates came to help his master, and in the meantime Antiochus, named Asiaticus, the son of Antiochus Eusebes and Selene, who was lurking somewhere in Cilicia, slipped back into his kingdom. This Antiochus is the Syrian prince who once visited Rome and whose adventure with C. Verres, the governor of Sicily, is recorded by Cicero (*Verr.* ii. 4. 27). He remained quietly in possession of Syria after the defeat of Tigranes by Lucullus, but Pompeius on his arrival refused to acknowledge the title of Antiochus, who petitioned for his father's kingdom. It was an easy thing for a victorious general to deprive a helpless prince of his dominions; but it is usual to seek some pretext to justify a wrong, and Pompeius said that it was not fair that the descendants of King Seleucus, who had been expelled by Tigranes, should possess Syria rather than the Romans who had conquered Tigranes. By his own will the Roman general declared the kingdom of Syria with all its dependencies to be subject to the Roman republic.

Antiochus Asiaticus, as some critics suppose, received from Pompeius, in recompense for his loss that part of Syria named Commagene, which bordered on the west bank of the Euphrates, and also the fort Seleuceia on the Mesopotamian side of the river. If this is so, the last of the Seleucidae became king of Commagene. But we have already spoken of an Antiochus king of Commagene, who submitted to Lucullus after the defeat of Tigranes ((p. 170; *Dion* 35, c. 2); and Appian informs us (*Mithrid.* c. 106) that when Pompeius crossed the Taurus in order to enter Syria, he attacked Antiochus king of Commagene who came to terms. In this same chapter in which Appian mentions Antiochus of Commagene, he speaks of Antiochus, the son of Eusebes, as he names him, being deprived of the Syrian kingdom without adding any thing further; and again (c. 114) he speaks of Pompeius giving Seleuceia to Antiochus of Commagene and all the parts of Mesopotamia which he had taken. Appian therefore supposed Antiochus of Commagene and Antiochus Asiaticus or the son of Eusebes, as he names him, to be different persons; and there is no direct evidence to prove that they were the same.

Commagene was properly a part of the Syrian kingdom, but it is possible that in the disturbed times of that country it had become a separate principality under an independent prince. Every thing was in disorder in this wretched kingdom, and it was better for it to fall even under the dominion of Rome than to remain as it was. In the mountains of Libanus there were robber chiefs, Arabs and Ituraeans, who issuing from their fortresses plundered the peaceful cultivators of the plains, and carried their predatory incursions as far as the sea, and the towns of Byblus and Berytus. Pompeius destroyed these strongholds of the robbers. Byblus, which was situated on a height not far from the sea, was in the hands of a tyrant, whom Pompeius beheaded.

The only opposition that Pompeius met with in these parts was from the inhabitants of Judaea. After the successful resistance of the Jews to the kings of Syria, the office of high priest and the civil administration of the country were in the hands of the Maccabees, to whose courage and ability the Jews owed their independence. On the death of Joannes Hyrcanus, who had administered the government wisely for thirty-three years, he was succeeded by his eldest son Aristobulus (B.C. 107), who, according to Josephus, put a royal diadem on his head. With him began the Jewish monarchy four hundred and eighty-one years and three months after the return of the people from the Babylonian captivity. Aristobulus made war on the Ituraeans, who occupied the hill country north and north-east of the lake of Galilee, and added a great part of their country to Judaea. He also compelled those inhabitants, who chose to stay in the country, to be circumcised and to live according to the Jewish law. Thus a descendant of the heroic Mattathias, who with his five noble sons successfully resisted the attempts of the Syrian king Antiochus Epiphanes to impose on the Jews the idolatry of the Greeks, himself laid on another people the heavy burden of the Jewish ceremonial. Aristobulus only reigned a year, but he had time enough to throw his mother into prison and let her die of hunger, because she claimed the administration which her husband Hyrcanus had left to her. This self-made king also caused his brother Antigonus to be

assassinated, whom he is said to have loved more than any of his four brothers. Aristobulus was succeeded by his eldest surviving brother, Alexander named Jannaeus, whom Strabo incorrectly mentions as the first of the Jewish high priests who assumed the regal title.

This Alexander made an attempt to recover the city of Ptolemais (Acre) on the coast, and laid siege to the place. The people called to their aid Ptolemaeus Lathyrus, who had been driven out of Egypt by his mother Cleopatra and now held Cyprus. On the arrival of Ptolemaeus (B.C. 103), Alexander raised the siege, and made a league with him; but this friendship did not last long, for the Egyptian discovered that the treacherous Jewish king had invited his mother Cleopatra to come against him. A war followed between the two kings, Alexander was defeated, and Ptolemaeus overran all Judaea. But Cleopatra's fear of her son's success brought her into Palestine, and she commenced the siege of Ptolemais. Her son who had in her absence from home made a fruitless attempt on Egypt now returned to Palestine and spent the winter at Gaza, while his mother was taking Ptolemais. Alexander paid a visit to the Egyptian Queen at Ptolemais, and gave her presents. This meeting was followed by a treaty, which may have been the cause of Lathyrus returning to Cyprus, as he was not a match for his mother and Alexander. When Cleopatra went back to Egypt, Alexander besieged Gaza, the inhabitants of which city had invited Lathyrus to assist them. The place was treacherously delivered up to Alexander, the inhabitants were massacred and the city was ruined. The king treated his own people no better. At the feast of Tabernacles when he stood on the altar and was going to sacrifice, the citizens of Jerusalem pelted him with citrons, and abused him. The king retaliated by ordering his men to attack the people, and six thousand are said to have perished. Josephus speaks also of a civil war which lasted six years, in which the king killed no fewer than fifty thousand of his subjects. The Jewish historian is a confused writer, who pays little attention to chronology, and has not the art of making a clear narrative; and we must take the facts as he tells us. At the conclusion of this war Alexander got

possession of a town named Bethome, and carried off to Jerusalem those whom he had captured in it. About eight hundred of these prisoners, the principal men of the nation, were nailed to crosses, while Alexander was feasting with his women in the sight of all the city; and while the men were still living, the wives and children had their throats cut before the eyes of their husbands and fathers. This savage punishment secured the king's tranquillity for the rest of his life, which he shortened by hard drinking. He reigned seven and twenty years, and died in B.C. 79 at the age of forty-nine. On his death bed Alexander gave his wife Alexandra, to whom he committed the administration of his kingdom, the prudent advice to put some of her authority in the hands of the orthodox sect of the Pharisees, who would be pleased with this act of respect and had influence enough with the people to reconcile them to her authority and to secure the interests of her children. By following her husband's advice Alexandra quietly succeeded him. She made her son Hyrcanus high priest, for he was the elder, but his chief recommendation for the office was his unwillingness to meddle in public affairs. Aristobulus the younger was bold and active. Alexandra restored the traditional practices to which the Pharisees were attached, and Hyrcanus her husband's father had abolished. In fact the sect of the Pharisees ruled, though Alexandra had the name of regent. They restored those who were banished, set at liberty those who were imprisoned, and called on the queen to punish those who had persuaded King Alexander to crucify the eight hundred men. Some of these advisers of Alexander were put to death by the Pharisees, and the rest having complained to the queen insisted that she should place them in her fortresses, where they would be safe. The remonstrances of these men were enforced by Aristobulus, and the queen being perplexed between those who had been her husband's friends and the Pharisees, whom she had favoured, at last consented to put the complainants in all the strong places except three. Aristobulus, who had long been discontented with the administration of affairs, stole away from Jerusalem while his mother was dangerously ill, and in a few days secured twenty-two

of the strong places and raised an army from the Libanus and Trachonitis. His wife and children whom he had left in Jerusalem were imprisoned at the instigation of the Pharisees in a fortress near the temple, the same which was originally named Baris and afterwards Antonia. But the queen was now dying. She was seventy-three years of age, as Josephus says, and had administered the affairs of Judaea for nine years since her husband's death. She died (B.C. 70) just in time to escape being deprived of power by her younger son. Hyrcanus, says Josephus, began his high priesthood in the consulship of Quintus Hortensius and Quintus Metellus (B.C. 69), but he must mean that Hyrcanus now became king, for he had been made high priest some time before, as we learn from Josephus himself. In this year the two brothers fought a battle near Jericho, in which Hyrcanus was deserted by many of his men. He fled to Jerusalem and after getting possession of the fortress, in which his brother's wife and children were imprisoned, he sent a message to Aristobulus with the view of settling the dispute between them. Hyrcanus had his brother's wife and children in his power, which probably made Aristobulus more ready to come to terms. It was agreed that Aristobulus should be king and that Hyrcanus should retain all the rest of his dignities, as Josephus (B. J. i. 6) distinctly states. In his *Jewish Antiquities* (xiv. 1) he speaks less clearly, and we might infer that Hyrcanus gave up the priesthood also. After this reconciliation Aristobulus took possession of the palace, and Hyrcanus lived in the house of Aristobulus.

But though Hyrcanus was a quiet man, he had a rich Idumaean friend named Antipas or Antipater, who was of a different disposition. This Antipater was the father of the man, who afterwards became king of the Jews, under the name of Herodes the Great. Antipater's father, who bore the same name as his son, had been made governor of Idumaea by king Alexander and his wife, and he took advantage of his place to form friendly connections with Arabians and people in Gaza and Ascalon. Antipater the son was afraid of Aristobulus, who hated him, and he accordingly endeavoured to stir up the most powerful of the Jews against the king and

to make Hyrcanus dissatisfied with the late arrangement and suspicious of his brother. It was a long time before Antipater could work on the mind of Hyrcanus, who was not naturally of a distrustful disposition, but at last he prevailed on him to fly to Aretas, the king of the Nabathæan Arabs. Hyrcanus was however cautious enough to obtain from Aretas an assurance that he should not be surrendered to his enemies, and on this assurance being given he secretly left Jerusalem with Antipater and came to Petra the residence of Aretas. After much persuasion the Arab chieftain was induced to attempt the restoration of Hyrcanus, who promised that if he should be again settled in the kingdom he would give back to Aretas a certain country and twelve cities which his father Alexander had taken from the Arabians.

The Arab chieftain entered Judaea with an army of fifty thousand men, as it is said, but probably the number is exaggerated. However Aristobulus was defeated, and being of course deserted by many of his men he fled to Jerusalem, and shut himself up in the temple where he was besieged by Aretas. Such was the state of affairs in Judaea, when the Romans entered Syria.

Pompeius sent his quaestor M. Aemilius Scaurus into Syria, while he was still in Armenia, but not while he was making war on Tigranes, as Josephus says. Scaurus went to Damascus, which city, as the historian tells us, had just been taken by Lollius and Q. Metellus Nepos. This Metellus was one of the legati of Pompeius in the war with the pirates, during which he watched the eastern part of the Mediterranean. L. Lollius was the name of another of the legati in the war with the pirates, and is probably the same person who with Nepos took possession of Damascus. It appears then that Pompeius had sent these two legati forwards to seize the important city of Damascus, and Scaurus followed them to look after the plunder. On hearing of the affairs of Judaea Scaurus hastened thither in the expectation of making his profit. Josephus first says that Hyrcanus and Aristobulus each offered Scaurus four hundred talents to secure his support, and that he accepted the offer of Aristobulus, because he was rich and in possession of Jerusalem, for he

wisely concluded that it would be much more difficult to take so strong a city than to drive out of the country such a force as Hyrcanus and Aretas had brought against it. But in another passage Josephus says that A. Gabinius, who, as already observed, was now serving under Pompeius, received three hundred talents and Scaurus four hundred; and again in his *Jewish Wars* (i. 6) he speaks of Scaurus only being bribed, and with three hundred talents. However this matter of the bribery may be, Scaurus threatened Hyrcanus and his Arab friend with the resentment of the Romans, if they did not leave Jerusalem. The order was obeyed and Scaurus returned to Damascus. Aristobulus was not satisfied with the retreat of Aretas and Hyrcanus, but he collected all his forces and pursued them. A battle was fought at a place named Papyron, in which Aristobulus gained a victory. Six thousand of the enemy fell and among the dead was Phalion, the brother of Antipater.

Pompeius was still in Syria (B.C. 64), where he was receiving ambassadors from all parts of the country, and also from Egypt and Judaea. Aristobulus sent him a golden vine of the value of five hundred talents, for which fact Josephus quotes Strabo's historical work, in which it is said that an embassy from Egypt brought a crown valued at four thousand pieces of gold, and from Judaea there came another present, which you may call either a vine or a garden. Strabo saw this vine at Rome in the temple of Jupiter Capitolinus with the inscription: The gift of Alexander king of the Jews. He says that it was valued at five hundred talents, and it was reported that Aristobulus the governor of the Jews sent it¹. In a short time ambassadors came again to Pompeius, Antipater sent by Hyrcanus, and Nicodemus from Aristobulus. Nicodemus charged Scaurus and Gabinius with taking bribes. The reason for making the charge is not stated, for Aristo-

¹ It appears then that Alexander Jannaeus dedicated this golden vine in the temple and that Aristobulus took it out and sent it to Pompeius. Whiston (Translation of Josephus, note) thinks that this explanation, which is Archbishop Usher's, is very improbable, and he suggests that there is an error in the text; that we should either read Aristobulus in place of Alexander, or else Aristobulus the son of Alexander. I may remark here that Whiston's translation is not good.

bulus was the briber and had obtained something for his money. But probably his agent Nicodemus discovered that these two men had promised more than they could perform, and he may have exposed their knavery in the hope that they would lose their money and he might gain the general's favour. However Nicodemus made a mistake, for though Pompeius was not so greedy of money as some Romans, he was exceedingly indulgent to the weaknesses of those who were about him; and Nicodemus by his folly made two enemies, whom a little more money or even his silence might have secured as friends. Pompeius would decide nothing at present, and he ordered all who had disputes to meet him the following spring at Damascus. It appears then even from the very blundering narrative of Josephus that Pompeius spent the winter of the year 64 in North Syria, and this is confirmed, as we shall see, by the narrative of Dion, which is however almost as confused as that of Josephus.

Phraates, the Parthian king, was much displeased with Pompeius for taking from him Gordyene, and he felt insulted when Pompeius in his letters, instead of addressing him by his title of king of kings, simply named him king. He sent ambassadors to Pompeius to complain of all his wrongs and to order the Roman general to keep on the west side of the Euphrates. Receiving no satisfactory answer from Pompeius and thinking the opportunity favourable Phraates again invaded Armenia together with his son-in-law young Tigranes, as Dion states, though he ought to have known that this Tigranes was at that time a prisoner with Pompeius, as he has already told us (36, c. 36). This second invasion of Armenia is fixed by the historian in the spring of the year in which L. Julius Caesar and C. Marcius Figulus were consuls (B.C. 64). At first Phraates was defeated, but he afterwards gained a victory, and Tigranes applied for help to his patron Pompeius who was then in Syria. From this it is clear that Pompeius spent the summer of B.C. 64 in Syria. Phraates also sent ambassadors to Pompeius, who made on the part of Phraates many charges against Pompeius and the Romans, so that, as the historian says, the general was both ashamed and frightened. As to the shame, we may doubt

about that, and the idea that Pompeius had any cause for fear is absurd. He had other important business on hand, and he must have known by the example of Lucullus and his own experience that it was hazardous to invade those remote countries. Some of his advisers indeed urged him to interfere again in the affairs of Armenia, but he wisely refused and sent three commissioners to settle what he said was only a dispute about boundaries. The Armenian and Parthian kings came to some agreement, for Tigranes was vexed that Pompeius refused his aid, and Phraates was willing to let Tigranes be at rest, that he might make use of him in any future war with the Romans. Pompeius, according to Dion, spent his winter at Aspis, a place in Syria, we must suppose, for Dion himself says that he passed this year, B.C. 64, in Syria. But it is difficult to say where Aspis was, or to understand the historian, who also informs us that during the winter Pompeius was employed in reducing such places as still resisted, and among others he received the surrender of the fort which Stratonice held, which fort Dion names Symphorium (p. 166).

In B.C. 64 Pompeius received from Mithridates a proposal to pay the Romans tribute, if they would restore his paternal dominions. The answer was that the king must come himself to sue. The king refused, but was willing to send some of his sons and friends. The matter went no farther, and the king began to muster all his forces, possibly in the hope that he might do something while Pompeius was so far away. He got together all the men that he could, both free and slave, and made weapons and military engines. He cut down all the trees that he wanted, took the oxen from the ploughs for the sake of their skins, and laid heavy taxes even on the poorest. The king's agents were guilty of more violence in executing his orders than he might have allowed, for Mithridates was suffering from sores in his face and nobody saw him for some time except three eunuchs. The people were exceedingly discontented, and a tremendous earthquake which happened at this time and did great damage in the towns added to the misfortunes of the king's subjects.

When Mithridates had recovered from his illness, he found

that he had sixty select cohorts of six hundred men each, with other troops and some ships. He was now at Panticapæum (Kertch) in the Crimea, and he sent part of his army to Phanagoria on the east side of the straits, that he might secure the entrance into the sea of Azof by having a force on each side of the channel. A native of Phanagoria, named Castor, had been ill treated by Tryphon, one of the king's eunuchs. As Tryphon was entering Phanagoria with the troops, Castor killed him and called the people to assert their freedom. The Acropolis was held by Artaphernes and other sons of Mithridates, but the people brought wood together round the fortress and set fire to it, which so terrified those in the place that they surrendered as prisoners. Artaphernes was about forty years of age; the rest were handsome youths. In the number was a daughter of Mithridates, named Eupatra. Another daughter named Cleopatra refused to surrender, and her father who admired her courage sent some vessels to rescue her. The neighbouring strong places, which had been lately seized by Mithridates, now revolted, being encouraged by the example of Phanagoria. These places were Chersonesus in the south-west part of the Crimea near the site of Sebastopol, Theodosia, which retains the antient name, Nymphaeum, and other towns on the Black Sea, which would have been useful in case of war. Seeing these revolts and having no confidence in the fidelity of his own soldiers, Mithridates sent to the Scythians to entreat them to come to his aid as soon as they could. The inducement which he offered to the chiefs, was a batch of his daughters. The women were placed under the care of eunuchs and had an escort of five hundred soldiers, who, as soon as they got a little way, massacred the eunuchs, for they were detested for their great influence with the king, and brought the women to Pompeius. Such is Appian's story, but these men certainly did not convey the daughters of Mithridates direct to Pompeius. They may have been sent across the sea to Asia after their father's death, at the time when the king's body was forwarded to Amisus (p. 191).

In these difficulties, without any hope of assistance from the barbarians, the king's proud spirit was not yet humbled. He still dreamed of an invasion of Italy: he thought of

Hannibal's daring enterprise, and hoped to be joined by the Celtic nation before he crossed the Alps, and to be welcomed by the Italians as their deliverer from the hated yoke of Rome. Whether he was encouraged by any of the Roman deserters, whom he had about him, we know not; nor do we know what authority our extant writers had for their account of the last days of Mithridates. Reports of all kinds about the death of such a man would be abundant, and it is probable that the reports, which have been preserved, came from some of the Italians who were in the king's service. His own men were not eager to set out on so hopeless an undertaking as the king was said to be meditating, but they kept quiet, for they were still afraid of him. At last Pharnaces, the favourite son of Mithridates, who had often been declared the successor to the kingdom, took the decisive step of conspiring against his father, probably in the hope that if Mithridates was put to death, he might be able to make good terms with the Romans. The son's fellow-conspirators were detected and put to the torture, but the son, who was also caught, was pardoned at the intercession of Menophanes, and left at liberty, as we must assume from what followed. Still fearing his father, Pharnaces secretly went first to the Roman deserters, and representing to them the danger of the Italian expedition, which they knew better than himself, and the advantages they would get by being faithful to his cause, he persuaded them to mutiny. The same night other soldiers, who were encamped apart, were induced to join in the revolt. At daybreak those who had first given their promise to Pharnaces sent forth a loud shout, probably the signal agreed on. The shout was taken up by those who were nearest, and at last there came a response from the fleet. Some of the men knew nothing of the plot, but they saw that there was a mutiny, they did not know how many were engaged in it, and they were afraid of being left alone. The king, who was residing in Panticapaeum, being roused from his sleep sent to ask what the clamour meant. The answer was short: his son was made king; they had a young man instead of an old man, who was in the hands of eunuchs, and had put to death sons, generals and friends. Mithridates came out on

horseback to address the insurgents, and at the same time some of those who were in the fort with him joined the rebels; but they were told by the mutineers that they would not be received, unless they did something that would be a pledge of their fidelity to the new king, and as the mutineers said this, they pointed to Mithridates. Upon this some of his own men fell on Mithridates and killed his horse, but the king made his escape into the fort, from the upper part of which he saw a broad band of papyrus, for want of a diadem, fixed on the head of Pharnaces by the crowd, who proclaimed him king. All hope was now gone, and he who had so long commanded now sent to his own son to pray for his life and to ask permission to go away. Messenger after messenger was sent, but none returned, and the king saw that he must now die, or be delivered up to the Romans, which would be worse than death. He dismissed his remaining friends and guards with commendations for their fidelity, and sent them to the new king, but some of them were massacred as they approached the mutineers. In his anguish Mithridates called out on the gods of his fathers, if such gods existed, and prayed that his son might receive the same treatment from his own children (Orosius vi. 5). The words are natural, for who feels more than a father, even a bad father, when his own son becomes his worst enemy? The king brought out the poison, which he had always ready. Two young daughters were with him, Mithridatis and Nyssa, who had been promised in marriage to the kings of Cyprus and Egypt. These girls insisted on taking the poison before their father, who at last consented. It soon worked on them, and the king saw the lifeless bodies of his children stretched before him, while he in vain walked about with hurried step to hasten the action of the poison. It is said, he had so strengthened himself by taking antidotes, or if there is any truth in the story, perhaps by taking small doses, that he was now proof against any dose. But there was no time to lose, for his enemies would soon be upon him. In this extremity he turned to a Gallic chief, probably a Galatian Celt, named Bituitus, a genuine Celtic name, and entreated him, as he had often served his king well in battle, to do him now the last and greatest

service by saving him from the hands of his enemies. The Gaul was moved by the king's entreaty, and put an end to his life. I have followed Appian's simple narrative, which is evidently copied from some authority. Dion's is a piece of patchwork, chiefly his own rhetorical furbishing up of a few facts.

Mithridates died in the consulship of M. Tullius Cicero and C. Antonius B.C. 63, the same year in which the child was born who afterwards was named Caesar Augustus. He was sixty-eight or sixty-nine years of age, as Appian says, though other authorities make him older, and had reigned fifty-seven. But he was still strong and healthy, as we may infer from the history of his retreat to the Crimea; and he was naturally of a robust constitution, and had lived an active and temperate life.

CHAPTER X.

THE SIEGE OF JERUSALEM.

B.C. 63—62 ?

IN the spring of the year B.C. 63 Pompeius leaving his winter quarters, which probably were at Antiocheia the capital of Syria on the Orontes, marched southwards. He stopped at Apameia, otherwise named Pella, on the Orontes, and destroyed a fortress which King Antiochus Cyzicenus had built there (Josephus, Ant. xiv. 3). Apameia was nearly surrounded by the Orontes and by a lake, on which was a strong fort named Lysias, in the possession of a Jewish tyrant named Silas. This place was taken by the Roman general, who then proceeded to the great valley named Coele-Syria, or the Hollow Syria, which is formed by the parallel ranges of Libanus and Antilibanus. In the valley lay Heliopolis (Baalbek) and a town named Chalcis, the site of which is uncertain. Heliopolis, Chalcis, the plain named Marsyas and the mountainous country of Ituraea were under a prince named Ptolemaeus, the son of Mennaëus, whom Queen Alexandra had made an unsuccessful attempt to reduce to obedience. Pompeius took a thousand talents from Ptolemaeus to pay his troops, and left him in possession of his dominions.

From Chalcis, which Josephus distinguished from other Syrian cities of the name by describing it as situated under Libanus, Pompeius crossed the Antilibanus and descended to the antient city of Damascus, where he heard the cause of the two brothers Hyrcanus and Aristobulus. Hyrcanus founded his claim on being the elder brother, and he accused Aristobulus of being the cause of all the disorders that had

troubled the country. The case of Hyrcanus was supported by the active co-operation of Antipater, who brought a thousand of the most esteemed among the Jews to add their testimony in favour of the elder brother. Aristobulus replied that Hyrcanus lost the power because he had not ability enough to keep it, and that if he had not seized the authority himself, it would have fallen into the hands of others: as to the title of king, it was nothing new: his father had it before him. Aristobulus also had friends present, insolent young fellows, whose appearance made an unfavourable impression on the court. They were dressed in purple, wore their hair long, and were decorated with ornaments, as if they were going to march in a procession. Aristobulus, it seems, had his friends among the younger and wealthier part of the Jews, to whom his manners and character would be more agreeable than the retired habits and quiet temper of his elder brother. But there was a third party, the Jewish nation, who did not wish to have a king; they said that they wished to retain the form of government which they had received from their fathers, to remain under the priests of the God whom they worshipped; the brothers indeed were of the family of the priests, but they designed to change the form of government in order to enslave the people.

Pompeius condemned the violent conduct of Aristobulus, but he deferred the settlement of the dispute until he had visited the country of the Nabataei, and he sent both the brothers away with orders to be quiet. The Roman wished to gain time, for he was afraid that Aristobulus might raise the Jewish nation against him and cause some difficulty during the expedition against the Nabataei. The narrative of Josephus is hardly intelligible. Though he says that Pompeius sent the brothers away, we might almost conclude that the princes were ordered to stay, for the departure of Aristobulus into Judaea was the signal for Pompeius to advance towards Jerusalem with all his force. He marched from Damascus to Pella, one of the cities of the district named Decapolis, on the east side of the Jordan and south of the lake Gennesaret. Some geographers have fixed the site of Pella at a place named El Budsche. He then crossed

the Jordan to Scythopolis or Bethsan, a large town near the southern extremity of Galilaea. When Pompeius had reached Coreae, "which place is the beginning of Judaea, to one who is going through the midland parts" (Josephus, *Ant.* xiv. 3. 4), he heard that Aristobulus was in a strong fort named Alexandreion on the top of a mountain, and he summoned him to come down. Aristobulus came unwillingly to the camp of Pompeius and again had a discussion about his claims with his brother, who, as we thus learn incidentally, had all this time been with the Roman army. Aristobulus was allowed to return to his fortress, as if he were free. This visit to the Roman camp was repeated by Aristobulus, who had still hopes of a decision in his favour; but at last he was compelled by Pompeius to write an order to those who had the care of his forts to surrender them to the Romans. Aristobulus did as he was commanded, but he now saw that his cause was lost, and he fled to Jerusalem, or he was allowed to go, for if the Jewish historian's narrative is true, he had been more than once in the power of the Roman general and might have been kept a prisoner.

When Pompeius had reached Jericho, a town famed for palms and the balsam shrub, he received news of the death of Mithridates, as Josephus says (*B. J.* i. 6. 6). But according to Plutarch, Pompeius was near Petra, the chief place of Aretas, the king of the Nabataei, when he received the news; and this was after the conquest of Judaea, as Plutarch names it, for he does not mention the capture of Jerusalem. Plutarch's lively description of the joy of the Roman army when Pompeius announced to them that Mithridates was dead, that Pharnaces his son had taken possession of the kingdom of the Bosphorus, and was a friend of the Romans, as he said in a letter, is clearly copied from some authority. But we may suspect that Plutarch, whose geographical blunders are sometimes past all belief, has made a mistake about Petra, for though he has spoken of Aretas having by letter expressed his willingness to submit to the Romans, and of Pompeius marching to a point "no great distance from Petra" to confirm Aretas in this disposition, he leaves his story unfinished. With the news of the death of Mithri-

dates and the rejoicing of the army he breaks off suddenly ; nothing more is said of Petra or Aretas, and Pompeius "immediately retired from Arabia," and marched back to Amisus on the Black Sea ¹.

Pompeius remained only one night before Jericho and continued his march the next morning towards Jerusalem. He was met on the way by (Josephus, Ant. xiv. c. 4) Aristobulus, who being greatly alarmed promised him money, and the surrender of the city. Gabinius was sent with some soldiers to receive the money and the surrender of Jerusalem, but Gabinius neither received the money nor was he let into the city, for the soldiers of Aristobulus would not allow his promise to be fulfilled. Pompeius now made Aristobulus a prisoner and prepared to besiege Jerusalem.

The Roman general saw that he had undertaken a difficult task, but the disputes between the two factions in the city saved him from failure. The party of Hyrcanus, which was the more numerous, the people being terrified at the sight of the Roman army, was ready to open the gates to the enemy. But the faction of Aristobulus being resolved to defend the place seized the temple, and destroyed the bridge by which it was connected with the rest of the city. The faction of Hyrcanus now let the Romans in, and Pompeius sent one of his officers M. Pupius Piso to take possession of the city and the king's palace. But though Pompeius had got the city, those who had fled into the temple refused to surrender, and he was compelled to undertake the siege

¹ According to Dion's history, which is confused in the order of events, Pompeius was in Pontus and received the dead body of Mithridates before he set out on the expedition against Aretas (37, c. 14). The historian then informs us (37, c. 15) that after the settlement of Syria and before the siege of Jerusalem Pompeius marched against Aretas, who had in former times greatly annoyed Syria, and had already been defeated by the Romans after they entered that country. As he was still in arms, Pompeius went against him and his neighbours, whom he easily brought to terms and "delivered to custody," whatever that may mean. He then turned against the part of Syria named Palaestina, because these people of Palaestina had molested Phoenicia. Dion says nothing of Petra. We may easily explain why Josephus is silent about this expedition against Aretas, for his business was only with the affairs of the Jews, and so his silence is not inconsistent with the facts in Dion, though Dion's story is very confused. Josephus is the safer authority for these Jewish affairs. It is no pleasant matter to attempt to get the truth from such writers.

of this fortress. The temple was on the east side of Jerusalem, on Mount Moriah which overlooks the deep valley of Jehoshaphat, and it was defended by a very strong wall. The north side of this fortress, where Pompeius placed his camp, was the weakest, but even here there was a deep trench cut out of the solid rock. Strabo's description of Jerusalem is so vague that we can hardly tell what he means by this trench. After saying that Jerusalem was a rocky well-defended fortress, he adds that within it was abundantly supplied with water¹, while the outside was without water, a description which clearly applies to the whole city. He then says that this city had a trench sixty feet deep, and two hundred and fifty wide, and that the wall of the temple was built with the stone taken out of this deep cutting, from which it appears that he erroneously supposed that this deep trench surrounded the city. The description of Josephus also is not clear. He says "that Pompeius fixed his camp on the north side of the temple where it could be assailed; and there were at this part also great towers, and a ditch had been dug, and it (the temple) was surrounded by a deep ravine, for the parts towards the city also were made abrupt, the bridge having been destroyed" (*Antiq.* xiv. 4. 2). In another passage (*B. J.* i. 7. 1) Josephus says that when Pompeius reached Jerusalem "he saw that the strength of the walls made an attack difficult, and that the ravine in front of the walls was formidable, and the temple within the ravine was most securely fortified, so that if the city were captured the temple was a safe place for the enemy to retreat to." In fact this mountain city was surrounded by deep ravines on three sides, east, south, and west, and protected by strong walls. It was only the north side of the city where such an artificial trench was necessary as a defence; and this trench, as Josephus informs us, was on the north side of the temple, but he does not say how far it ran westward beyond the limits of the wall which enclosed the temple. As the breaking down of the bridge cut off all communication between the temple and the city, it appears that the area of the temple which was inaccessible on the east side from the

¹ The area of Moriah contained large tanks which have lately (1868) been discovered.

valley of Jehoshaphat was also only approachable from the rest of the city by a bridge; and this bridge was now broken down. Pompeius began the siege by filling up the ditch on the north side of the temple, and "the entire valley also" (B. J. i. 7), which may mean all the other part of the depression which separated the temple from the city, or the depression which was spanned by the bridge that was now broken down. This latter depression appears to be the valley of Tyropoeon, which Josephus in his general description of Jerusalem (B. J. V. 4) speaks of as separating the eminence on which the temple stood from the opposite parts of the city. The Roman soldiers carried the materials, but it was difficult to fill up the immense cavity, and the men suffered from the enemy's missiles. When the ditch was partially filled, the Romans began to raise their agger or earthworks, which were designed to support the towers and military engines. As Pompeius did not expect resistance, he was unprepared for a siege, and it was necessary to send to Tyre for his engines and battering rams. The wood required for the engines would come from the forests of the Libanus to Tyre, from which town it might be brought by sea to Joppa, and thence by land to Jerusalem. It is not probable that Pompeius had a store of such engines at Tyre. Pompeius would never have been able, says Josephus, to make his earthworks, if it had not been the custom of the Jews to rest on the Sabbath, for though their law allowed the Jews to defend themselves on that day, a certain superstitious Pharisaical notion did not permit them to do any thing against an enemy who was not attacking them. The Romans understanding this did not attack the Jews on the Sabbaths, but only raised their banks and made their engines ready for the next day's work. During the siege the priests regularly offered their sacrifices on the altar, twice a day, nor did they omit them, even if any accident occurred through the stones which were thrown by the enemy. When the battering engine was at last brought up, and the largest of the towers was shaken and fell, the Romans entered the breach in the third month of the siege. The first man who got into the fortress was Faustus, the son of the Dictator Sulla, and next to him two centurions

named Fabius and Furius, each of the three followed by a cohort, and the slaughter began. Some of the Jews were killed as they were attempting to escape into the temple, and others as they were fighting against the Romans. Many of the priests were slain while they were making the offerings and burning incense; but the greater part of the massacre was the work of the adverse faction, who aided the Romans in the siege and broke into the place with them. A great number of the besieged threw themselves down the precipices; and some even set fire to the buildings which were near the wall and perished in the flames. Twelve thousand of the Jews, it was said, were killed, which seems a very large number to have been shut up in the fortress of the temple. Only a few of the Romans were killed, but many were wounded. Josephus cites as his authorities Strabo, Nicolaus of Damascus, and Titus Livius, but he mentions no eye-witness. The city was taken, as Josephus says, on the fast day in the hundred and seventy-ninth Olympiad and in the consulship of C. Antonius and M. Tullius Cicero, which was the year B.C. 63. Some critics have concluded that this fast day was in the month of December.

It was a great scandal to the Jews that Pompeius and some of those who were with him entered the holy place of the temple, which hitherto had been closed to all, except the high priests. He saw the golden table, the candlestick, the pouring vessels, the censers, all made of gold, a quantity of spices and two thousand talents of sacred money. Yet he touched nothing, not even the money, as both Cicero and Josephus say, which was a rare example of Roman virtue². It was out of regard to religion, as Josephus supposes, that Pompeius exercised this forbearance. It was certainly an act of prudence, for he now knew what kind of people he had to deal with. The next day he ordered the temple to be cleansed and the usual sacrifices to be made. Hyrcanus was reinstated in

² Dion (37, c. 16) of course says that all the valuables were made booty. He remarks that the city was taken on the Sabbath, probably an invention of his own. He had heard something about the Jews not fighting on Sabbath days, but as he did not exactly know what the rule was, he assumed that it was taken on a Sabbath, and that the Jews made no resistance, which is contrary to the fact as reported by Josephus, and contrary to the rule about fighting on the Sabbath, which was allowed in self-defence.

the high priesthood for his services, but without the title of king. Those who were most guilty in the matter of the war were beheaded. Faustus Sulla and others who first mounted the breach received great rewards. The walls of Jerusalem were destroyed, it is said by Strabo and Tacitus, but it is not credible that the Romans undertook so laborious a work. Palestine was made a dependency of Rome, and a yearly tribute was imposed. Pompeius took from Palestine those cities of Coele-Syria, which the Jews had conquered, and added them to the new Roman acquisition of Syria. Thus the dispute between the two brothers was the cause of the Jews losing their liberty and becoming subjects of Rome, who, as Josephus says, in a little time exacted of them above ten thousand talents. Pompeius rebuilt or ordered to be rebuilt, to please his favourite freedman Demetrius, the town of Gadara, the birth-place of Demetrius, which is east of the Jordan, a short distance from the southern extremity of the lake Gennesaret. He carried off with him Aristobulus and his four children, two daughters, and two sons, but the elder son Alexander escaped somewhere on the road to Rome. His quaestor M. Aemilius Scaurus was left with two legions to look after Syria, Judaea, and all the countries as far as Egypt and the Euphrates.

Though Syria with all its dependencies was declared by Pompeius to be a Roman province, the whole country was not put at first under the direct administration of the governor of Syria. A great number of towns were made free (*liberae civitates*, as the Romans named them). They had their own jurisdiction and the administration of their own revenues, but they paid a tribute to Rome, which was levied by the towns conformably to the system of taxation established at the settlement of the province. In this manner the government of these towns was secured without any trouble to the Romans, and they got the taxes without the expense of collecting them. The names of these free cities are known from two passages in Josephus (*Antiq.* xiv. 4. 4, and *B. J.* i. 7. 7), and from the aera on their medals. Among these free towns were some of the principal cities in Syria, such as Antiocheia, and Seleuceia in the district named Pieria. But many cities

which belonged to Palestine were made free and placed under the province of Syria. These were Gadara, Hippos, Scythopolis, Pella, Dium, Samareia, Marissa, Azotus, Jamneia and Arethusa⁴, all in the inland parts. On the sea there were Gaza, Joppa, Dora, and the tower of Strato, which being afterwards enlarged and beautified by Herod was named Caesareia. All these cities are named by Josephus. Besides these free towns certain principalities still remained. There was the dynasty of Chalcis ad Belum, as Pliny names it (H. N. v. 23), which would be more properly called Chalcis ad Libanum. This was the territory of Ptolemaeus, the son of Mennaeus, whom Pompeius confirmed in his possessions (p. 183). There was also the principality of Arethusa and Emesa, which was at this time in possession of Sampsiceramus, and we cannot suppose that this prince was allowed to keep the country without paying something for it. In the time of Alexander Jannaeus an Arab named Aretas got possession of Damascus, to which he was invited by the people. We have already heard of an Aretas, whose head-quarters were at Petra south of the Dead Sea at the time when Pompeius was in Judaea. It does not seem probable that the same chieftain was master of two places so remote from one another as Damascus and Petra; but there may have been a prince of Damascus of the same name and of the same family as the ruler of Petra. Judaea, as we have seen, was attached to Syria and made tributary to Rome, with Hyrcanus as high priest, who received such powers, we may assume, as were necessary for the administration of Judaea.

Pompeius after leaving Syria marched through Asia to Amisus in Pontus, whither Pharnaces had sent the body of his father embalmed, and the bodies of other members of the royal family. The corpse of Mithridates was intended to be evidence of his death, but owing to the carelessness of the embalmers, who had not taken out the brain, the face was disfigured and could not be recognized. The other bodies were probably sent to show what members of the royal family were dead, and also with the view of their being interred in the burial place of the kings of Pontus. It is said that

⁴ But Arethusa may be a mistake of Josephus.

Mithridates was recognized by the scars. Pompeius refused to see the body himself and sent it to Sinope to be interred. But he saw with amazement the dress and armour of the king, though part had been stolen. The sword-belt valued at four hundred talents was sold by one Publius, as he is imperfectly named, to Ariarathes; and the citaris or head-dress, a piece of wonderful workmanship, one Gaius, whom Plutarch names the foster-brother of Mithridates, gave to Faustus Sulla who asked for it. Pharnaces also sent the men who had delivered up M'Aquillius (vol. ii., p. 268) and many hostages both Greeks and barbarians. In return for his services Pharnaces received the title of friend and ally of the Roman people and a grant of the kingdom of the Bosporus, except Phanagoria, which was presented with all the privileges of a free city, because the people began the insurrection against Mithridates. Castor also was honoured with the title of a friend of the Roman people, and he married a daughter of Deiotarus, the Galatian chief, who had assisted the Romans in the war with Mithridates. Pompeius gave Deiotarus part of the Gazelonitis, a level fertile country: the other part belonged to the city Amisus. He also gave him the country about Pharnacia and Trapezus (Trebisond) extending as far as Colchis and the Less Armenia, with the title of king. Deiotarus also possessed his paternal principality, the country of the Tolistobogii, in Galatia. Another Galatian, named Bogodiatorus in Strabo's text, received the fort Mithridation, which was detached from the Pontic kingdom. Archelaus, the son of the Archelaus who commanded against Sulla in the first Mithridatic war, received the valuable benefice of Comana in Pontus, and in addition to the temple lands a territory of sixty stadia in extent all round, with jurisdiction over all the people within these limits. The priest was the master of six thousand slaves, who were attached to the temple lands, but he could not sell them. He was a magnificent ecclesiastical prince in those days. Pompeius gave a part of inland Paphlagonia as a kingdom to the descendants of Pylaemenes, as Strabo describes them, but he probably means one person, who may be the man whom Appian names Attalus. Aristarchus received something in Colchis, where he became a

petty prince. Ariobarzanes, king of Cappadocia, who had been ejected from his kingdom by Mithridates, was again settled in his kingdom, and he also received, as Appian says (Mithr. 105), Sophene and Gordyene, which had been assigned at first to young Tigranes, and also some cities in Cilicia. This King Ariobarzanes I., who assumed the name of Philoromaeus or friend of the Romans, resigned his kingdom to his son Ariobarzanes II. The possessions of Mithridates within the limits described above (vol. ii., p. 256) were now in the hands of Pompeius, who after making the several grants already mentioned distributed the remainder of the Pontic kingdom into eleven divisions, which he attached to Bithynia to make with it one province. The general disposed of principalities and kingdoms, and made provinces in royal fashion, but with our knowledge of Roman character we may doubt if he was so generous without the hope of profit. It was prudent not to seize valuable things, which according to law it was the quaestor's business to take possession of and to enter in his books; but when we learn that Ariobarzanes III., the grandson of the first Ariobarzanes, was so deeply indebted to Pompeius that he could not keep up the payment of the interest, we conclude that the origin of this debt was some engagement made at the time when Ariobarzanes I. was restored to his kingdom and received grants of other lands (Cicero, *Ad Att.* vi. 1, 3; and vi. 3, 5).

Many of the strong forts of Mithridates did not surrender when the commanders heard of the king's death, not because they had any intention of resisting, but because they were afraid that the money which they were set to guard might be stolen, and they would bear the blame; and accordingly they waited to give up every thing to Pompeius himself. In Talaura (p. 27), which was either in Cappadocia or in Pontus, one of the great store-houses of Mithridates, there were found two thousand drinking cups made of onyx set in gold, and goblets and coolers, vessels which the Greeks called *rhyta*, and couches and decorated seats, horse-bits, coverings for the breast and shoulders of horses,—all ornamented with valuable stones and gold. The delivery and registry of these things occupied thirty days. Some of them once belonged to Darius the son

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of Hystaspes; others which had been in the possession of the Greek kings of Egypt, were deposited by Queen Cleopatra with the people of Cos, and seized by Mithridates, when the island surrendered to him (vol. ii., p. 271). Many of these articles had been made by the order of Mithridates himself, who had a passion for such things. Either here or in some other fort Pompeius found in the handwriting of Mithridates the composition of an antidote against poison, which is too valuable to be lost (Plin. H. N. 23, c. 8). Take two dry nuts, two figs, twenty leaves of rue (*ruta*) bruised, add one grain of salt. If taken fasting, the mixture will make a man proof against poison for one day. Mithridates was most curious about medicines, poisons and antidotes. One of the best antidotes against poison was his invention, says Celsus, which may be that just mentioned. His practice was to take some poison every day after first taking the antidotes, and the object of this discipline was to render poison innoxious to him. This leads us to conclude that the antient stock of poisons was not very numerous or powerful. A man with the skill of a modern poisoner would soon have disposed of the king. A Greek physician named Asclepiades, famed for his skill, was invited by Mithridates to come to him from Rome, but the doctor stayed where he was safe and sent him a work, which was extant in the time of the elder Pliny (H. N. 25, c. 2). Mithridates was the only man, Pliny adds, who could speak two and twenty languages, and he never used an interpreter during the fifty-six or fifty-seven years that he governed so many nations. The king was a diligent inquirer into the medical properties of things, and he got information from all his subjects, which he put down in writing. Pompeius, who had taken possession of all the king's manuscripts, ordered his freedman Lenæus to translate the medical works into Latin from the original Greek, we may suppose.

CHAPTER XI.

CICERO'S CANVASS FOR THE CONSULSHIP.

B.C. 66—64.

IN the year B.C. 66, in the consulship of M'Aemilius Lepidus and L. Volcatius Tullus, L. Sergius Catilina returned to Rome from the province Africa, of which he had been governor. As he returned in B.C. 66, and yet in that year was governor of Africa, as Cicero says, and also became a candidate for the consulship, we conclude that he left Africa about the middle of B.C. 66; and as we may assume that he held his government only for a year, he went to Africa about the middle of B.C. 67, and the year of his praetorship at Rome was B.C. 68. Before Catilina returned, commissioners from the province had come to complain of him to the Senate, and many senators had expressed themselves strongly about his conduct as governor. On his return Catilina gave notice that he was a candidate for the consulship, upon which the consul Tullus held a consultation with some of the chief men in the State, whether he ought to consider Catilina a candidate, for he was charged with the offence of *Repetundae* or malversation in his government. A fragment of Cicero's speech (*In Toga Candida*) states that those whom Tullus consulted (*principes civitatis*) would not allow Catilina to be a candidate, and Cicero's commentator Asconius says that Catilina desisted from his canvass (*In Or. in Tog. Cand.* p. 89, Orelli). P. Autronius Paetus and P. Cornelius Sulla were elected consuls for the following year, but both of them were charged with bribery at the election, were tried, convicted, and lost their office. After speaking of the conviction of Autronius and Sulla Sallust (*Cat.* 18) adds: "Shortly afterwards Catilina, who had received notice of a prosecution for *Repetundae*,

was prevented from being a candidate for the consulship because he had not been able to announce his intention within the time fixed by law." This passage has caused the critics much difficulty, and it is not likely that they will ever agree about it; but if we follow Sallust's statement literally, it was after the conviction of the two consuls elect, that Catilina was not allowed to be a candidate for the places then vacant. Dion Cassius (36, c. 27) affirms that Catilina was a candidate in B.C. 66, and, as he perhaps means, at the time when Autronius and Sulla were elected. Again we may infer from a passage in Cicero's oration for P. Sulla (c. 24) that Catilina's candidatureship or attempted candidatureship in B.C. 66 was after the conviction of P. Sulla and Autronius. Two of the candidates at the former election, L. Aurelius Cotta and L. Manlius Torquatus, were elected in place of Autronius and Sulla. Autronius had been a schoolfellow of Cicero, and his colleague in the quaestorship. They had also been friends; but Cicero in his oration for P. Sulla gives Autronius a very bad character. Autronius being convicted of bribery saw his political career closed by the penalties of the Lex Acilia Calpurnia (p. 106), and he became a conspirator. Catilina joined him, and about the fifth of December the two associates communicated their plan to Cn. Calpurnius Piso, a young noble, who was poor, discontented, and audacious.

The design was to murder the consuls in the Capitol on the first of January, the day on which they would enter on their office, and, as Cicero adds, to kill at the same time the chief men in the State; Catilina and Autronius would then seize the fasces, the symbol of the consular power, and send Piso with an army to take possession of the two provinces of the Spanish peninsula, apparently for the purpose of securing this valuable position in the West. We are not informed what means the conspirators had for executing so bold a design. P. Sulla is not mentioned as a conspirator by Sallust; and Cicero in his oration for Sulla, while he enters fully into the charge against his client of having been in the second conspiracy, refers to the answer of Hortensius to the charge of his having been in the first. Cicero's denial indeed, whether direct or indirect, of Sulla's participation in the first

conspiracy would prove nothing, for his object was to save Sulla. This Sulla was a kinsman of the dictator Sulla, and he had enriched himself during Sulla's proscriptions. The conspiracy was discovered in time, and the Senate gave the consuls a guard. A corrupt passage of Dion (36, c. 27) seems to mean that the Senate would have come to some resolution about the conspirators, if a tribune had not interposed. The men were not discouraged by this failure, and the execution of the design was put off to the fifth of February, or a new plot was formed, for now not only the consuls but most of the senators were to be massacred. Again the scheme failed, because Catilina gave the signal in front of the Senate House before the armed conspirators had come together in sufficient numbers. The strangest part of the story is that Piso, though the conspiracy failed, obtained what he would have got, if it had succeeded. He was sent by the Senate as quaestor into Hispania Citerior with the authority and title of *propraetor*, at the urgent solicitation of M. Crassus, who recommended this appointment, because he knew that Piso was an enemy of Pompeius, whom he himself disliked. The Senate were glad to give Piso a province, because they wished to remove him from Rome; and many of the conservative party (*boni*) thought that Piso would be a protection to them, for the power of Pompeius was now formidable (Sallust).

Suetonius (Caesar, 9) reports on the authority of the history of Tanusius Geminus, the edicts of M. Bibulus, Caesar's colleague in his consulship, and the orations of C. Curio the father, that a few days before Caesar entered on his aedileship (B.C. 65) he was suspected of conspiring with M. Crassus, and with Autronius and Sulla who had been convicted of bribery. The design was in the beginning of the next year to attack the Senate, to kill those whom they had marked for death, and that Crassus should usurp the dictatorship with Caesar for his master of the horse; when they had settled matters according to their pleasure, Autronius and Sulla would be consuls. Tanusius adds, Crassus because he repented or was afraid did not observe the day appointed for the massacre, and for this reason Caesar did not give the signal which it had been agreed that he should give. This signal was, says Curio, the

throwing of his toga from his shoulder. Besides this, it was said that Caesar entered into a conspiracy with Cn. Piso, to whom the province of Spain had been given, and it was agreed that Piso in Spain and Caesar at Rome should attempt a revolution. But these schemes also failed through the death of Piso, who was murdered by some Spaniards. Here Catilina is not mentioned, and Caesar is the chief conspirator. Cicero on the contrary in B.C. 64 affirmed that Catilina and Piso were the only men who conspired to massacre the Optimates (Ascon. In Orat. in Toga Candida, p. 93, ed. Orelli), and he said the same in B.C. 63 in his defence of Murena (c. 38). The remark of Asconius on a passage in the beginning of the oration In Toga Candida certainly seems to show that Cicero knew and even affirmed that there were others in this plot, and that Crassus was the prime mover. Vargunteius also is mentioned by Cicero himself as leagued with Cn. Piso, Catilina and Autronius in this traitorous design, and so he contradicts his own statement that Cn. Piso and Catilina were the only men who conspired to murder the Senate. When Piso was murdered in Spain, there were persons who said that the murderers were old and faithful clients of Pompeius, and that the deed was done with his consent. Nobody expects to find any evidence in support of such a statement, and Sallust judiciously observes that he has no opinion to offer on this matter.

Such is the story of the first conspiracy, so far as we can get it from Cicero, a contemporary, from Sallust, and from the authorities quoted by Suetonius, a story so lame, inconsistent and absurd, that we might almost doubt if there was a conspiracy; and if there was, it is quite certain that we know little about it. We learn that the original design of the conspirators was known before the first of January, that Catilina in giving the signal on the fifth of February committed an open act of treason, and yet nothing was done against the conspirators, though the courts had just shown by the conviction of Autronius and Sulla that the authority of the law was still respected. The contradictions in the stories of Sallust and Suetonius about this conspiracy, and the strange manner in which the consuls of B.C. 65 and the

Senate behaved after all was discovered are beyond explanation. If we knew the real facts, we might perhaps discover how two contradictory stories obtained currency. But were the real facts ever known even to the Romans of Cicero's time? We may doubt if they were; and it is therefore an idle labour to attempt by conjectures however ingenious to deduce a true narrative from such evidence as we possess.

The trial of Catilina for maladministration (*Repetundae*) in his province Africa took place in this year. The prosecutor was P. Clodius, who had now returned to Rome (p. 103). In the month of July Cicero was beginning his canvass for the consulship. Speaking in a letter to his friend Atticus (i. 1) of those who would oppose him, he mentions Catilina as a certain competitor, if he should be acquitted, but he adds that his guilt was as plain as the sun at mid-day. The next thing that we hear from Cicero himself in a letter written in B.C. 65¹ after the election of L. Caesar and Figulus is that he is thinking of defending Catilina on his trial. He says: "We have just the jury that we wished to have, and the prosecutor is perfectly satisfied: I hope, if Catilina shall be acquitted, that he will be inclined to co-operate with me more closely in the matter of my canvass; but if it shall turn out otherwise, I shall bear it patiently." The last words, "if it shall turn out otherwise," are ambiguous, for they may either mean, "if Catilina shall not be acquitted," or "if he shall not be grateful to me for his acquittal." But the first of the two

¹ The letter (*Ad Att.* i. 2) begins "in the consulship of L. Julius Caesar and C. Marcius Figulus;" and they were consuls in B.C. 64. But it is the common opinion that this letter was written in B.C. 65 after the election of Caesar and Figulus. At the end of the letter Cicero entreats Atticus to be at Rome in January, as he had determined to be, the natural explanation of which words is that Cicero was writing before January, and therefore in B.C. 65. In the previous letter (*Ad Att.* i. 1) Cicero writing in B.C. 65 some time before September, says that he shall leave Rome in September and return in January. There is no doubt that Catilina was tried *de Repetundis* in B.C. 65, and if this letter (*Ad Att.* i. 2) was written in B.C. 64, the trial in which Cicero was thinking of defending Catilina was a trial on a different charge, in which Luceius was the prosecutor as we shall see. The author of the *Life of Atticus*, attributed to Nepos (c. 4), supposes that Atticus returned to Rome in the consulship of Torquatus and Cotta (B.C. 65), and, if this is so, Cicero could not have written this letter (*Ad Att.* i. 2) in B.C. 64.

interpretations is perhaps the true one, and then the conclusion is a jocose way of saying that he shall be glad if he is convicted. A man at Rome who aspired to the honours of the State, and especially to the highest of all honours, the consulship, was bound to keep himself before the eyes of the people, and to look out for every opportunity of strengthening his interests. With this view Cicero had refused to take a provincial government after his praetorship, and during this year (B.C. 65) he was preparing for the election of the next year. One of Cicero's means of gaining good opinion and friends was by undertaking the defence of persons who were accused or the cases of his friends. We have already seen that in this year he successfully defended the popular tribune C. Cornelius, and in his person he defended the cause of the people. It was entirely a question of self-interest, whether Cicero now undertook a case or not. He refused to undertake the case of Caecilius, who had commenced an action against a man named Caninius Satrius. Satrius, who was at Cicero's house nearly every day, devoted himself especially to the interests of L. Domitius, who was also one of Cicero's best friends. Cicero held the next place to Domitius in the esteem of Satrius, who had been very useful both to Cicero and his brother Quintus in their canvasses. Cicero was of course greatly embarrassed by Caecilius' application to him in this matter, for Caecilius was the uncle of Cicero's dear friend Atticus; but Cicero's intimacy with Satrius, and his friendship with Domitius on whom success in his present canvass chiefly depended, determined him to refuse the request of Caecilius. If then Cicero thought that he should promote his own interests, he would not refuse to defend against the charge of malversation in his province, a man who had murdered Marius Gratidianus (vol. ii. 360), who had been accused of debauching Fabia, a vestal, the half sister of Cicero's wife, and who was charged with plotting to assassinate the consuls and many of the senators; a charge, which true or false was known to Cicero in B.C. 65 as fully as in B.C. 64, when he affirmed the charge to be true.

Cicero was not at all disturbed by the manifest collusion between the prosecutor and Catilina, nor by the bribery of the

jury, a fact which is not distinctly affirmed by his own brother Quintus, though his words can have no other meaning (*De Pet. cons. c. 3*). We must accordingly agree with Drumann that it makes not the slightest difference in our estimate of Cicero's moral character whether he defended Catilina or not. He was willing to defend him and to do any thing that would further his own interests. Fenestella, the historian, affirmed that he did defend Catilina. Cicero never denies that he did defend him, though he had the opportunity of saying so, if he could have said it, in his speech for P. Sulla; and when in the same speech (*c. 30*) he says that he did not defend Catilina in his consulship, we see clearly from the context that this denial proves nothing as to Catilina's trial for *Repetundae*. Asconius (*In Orat. in Toga Candida*) appears to be the authority for the opinion sometimes expressed by modern writers, that Cicero did not appear in defence of Catilina on this occasion. The commentator says that the oration of Cicero *In Toga Candida*, delivered in the Senate in B.C. 64 against Cicero's competitors Catilina and C. Antonius, makes him doubt about Fenestella's assertion, and chiefly because Cicero says nothing about the matter, when he might have charged Catilina with ingratitude for coalescing against him with Antonius, and when he actually reminds Antonius of his services to him in the election for the praetorship. The honest commentator also cannot understand how Cicero could have spoken in B.C. 64 in such terms of Catilina's crimes generally and of his trial for *Repetundae* particularly, if he really defended Catilina, for though Catilina was acquitted, Cicero in B.C. 64 leaves us to understand that he believed him to be guilty. In reply to the commentator we may say that when Cicero charged his competitor Catilina with so many and such monstrous crimes, he might very well omit to charge him with ingratitude to himself, and so avoid reminding his hearers that this was the villain whom he had defended the year before against a charge of the greatest turpitude, as Cicero himself considered *Repetundae* to be. Many distinguished citizens² supported Catilina on his trial, and

² The passage "*adfuerunt, inquit, Catilinae,*" &c. (*Pro Sulla, c. 29*) perhaps refers to the trial on the charge of *Repetundae*.

among them even the consul Torquatus, whom Catilina had intended to murder. Torquatus, as Cicero reports (*Pro P. Sulla*, c. 29), testified on this occasion that he had heard something about that first conspiracy, but did not believe it. We learn that in the jury the votes of the senators were against Catilina, and those of the Equites and *tribuni aerarii* were for him. It is difficult, indeed impossible to explain such a result, because we know nothing more of the trial than what Asconius tells us, except this fact that many of the senators had already on first hearing of the complaints of the Africans expressed themselves strongly against Catilina; and so it may be supposed that those senators who were on the jury could not consistently acquit him. If we knew that the Senate had unanimously expressed this opinion against Catilina, there would be some reason why the senatorian jurymen should vote against him; but all that we know is that some senators had spoken against Catilina. It is an ingenious conjecture of a modern writer that the senatorian jurymen, who could not wish one of their own body to be convicted, maintained their character as honest men by giving their votes against Catilina, while they or somebody else bribed the other jurymen to acquit him, and so the senators gave their vote for conviction, but at the same time took care that it did Catilina no harm. This prosecution is probably the reason why Catilina was not a candidate in B.C. 65; and it is certainly a probable supposition that the Senate, who did not wish him to be convicted of *Repetundae*, did wish to prevent him from being a candidate for the consulship. The trial took place after the election of the consuls for the next year, L. Julius Caesar and C. Marcius Figulus.

We might form some idea of a Roman election from knowing a few facts, such as the nature of the body of electors, the annual recurrence of the elections, the character of the class which furnished candidates, and the great prize which was conferred by the popular vote. But Cicero's writings, his letters and his orations, make us as familiar with a Roman as with an English election; and while we cannot help despising his vanity and egotism, we should have known comparatively little about Roman affairs, if the man's cha-

racter had been more simple and elevated. In his letter to Atticus (i. 1) Cicero speaks of the state of his canvass for the election which would be held in B.C. 64. He began in good time to solicit the votes of the people, but P. Galba began still earlier, indeed too early, as people thought; and Cicero hopes that this circumstance will be in his own favour. His intention is to begin his canvass at the election of the tribunes, in the Campus Martius on the seventeenth of July. The competitors, who may be considered certain, he says, are Galba, C. Antonius and Q. Cornificius: this intelligence will draw from Atticus either a smile or a groan. Some people even talk of M. Caesonius, an announcement sufficient to make Atticus strike his forehead. He does not think that C. Aquillius Gallus, a distinguished lawyer and Cicero's colleague in the praetorship, will be a candidate. Catilina will offer himself, if he shall be acquitted; from which expression we learn that the letter was written before Catilina's trial in B.C. 65. As to one Aufidius (if that is the true name) and Palicanus, Cicero does not suppose that Atticus expects him to say any thing. In the Comitia of the year B.C. 65 L. Julius Caesar is considered to be sure of his election; and the contest for the other place is supposed to lie between Minucius Thermus and Silanus. Cicero hopes that Thermus will be elected with Caesar, for if Thermus should postpone his candidature to the next year, there is no one who will be a more formidable opponent to Cicero. Thermus was "curator" or superintendent of the Via Flaminia, which would then be finished, and it was supposed that his popularity would be thereby increased³.

The contemptuous terms in which he speaks of M. Caesonius give us some insight into Cicero's character. Caesonius is declared by Cicero on the occasion of Verres' trial to be an upright man of great experience in the courts. Galba too, as Cicero informs us, had been challenged on the jury list by Verres at his trial, because he was an honest man. The pretensions of Q. Cornificius to the consulship are ridiculed, though we are told by Cicero on another occasion that Corni-

³ It is conjectured, but there is no direct proof, that Minucius Thermus was the name of Marcius Figulus before he was adopted by a Marcius Figulus.

ficius was a most honourable and upright man. But these candidates were supposed to stand in the way of the great object of Cicero's ambition. Their honesty was a secondary matter: it was presumptuous in such men to enter into competition with Cicero, who was proud of his superior talents.

Cicero informs Atticus in this letter that he will discharge all the duties of a candidate, and as Gallia⁴ has a good many votes, he says that he may perhaps make an excursion to those parts in September, when the courts are closed, and come back in January. Atticus was at this time at Athens where he had lived since the year B.C. 85, and where he saw Sulla on his return from Asia, who was much pleased with the young man's politeness and learning. We can therefore understand Cicero, when he asks Atticus to secure for him those who are about Pompeius, because Atticus is nearer to the general, who was at that time in Asia. It is not certain what Cicero wishes Atticus to do, for the words are ambiguous. He concludes with a joke, as it seems. Atticus is asked to tell Pompeius, that Cicero will not be angry with him if he shall not come to Rome to the Comitia of the following year. Though the critics agree in taking this message to Pompeius as a joke, it may be half earnest, for Cicero formed a very high estimate of his services to Pompeius, and we know that he never thought that he was sufficiently repaid for them. But the joke is stupid: Atticus could not communicate with Pompeius any better than Cicero, for Pompeius in B.C. 65 was fighting in the countries between the Euxine and the Caspian (p. 156, &c.).

The demands made on a candidate at Rome were much greater than in modern countries in which the representative system exists. He who aspired to the Roman consulship was expected to entertain the people with games in the aedileship, if he filled that office; and in the praetorship also there might be occasions when he ought not to spare expense. The consulship was a great prize. It brought with it a province, the opportunity of making money, and the chance of a triumph, if there was a war. Yet a man might fail in securing the

⁴ Gallia here is Gallia south of the Po, which at this time had the Roman citizenship. Gallia north of the Po had not yet the Roman citizenship.

consulship after using all the ordinary means to obtain success; and if he employed the irregular, but not unusual, method of buying votes, he might fail and be prosecuted; or if he succeeded, he might still be prosecuted, and in addition to the loss of what he had expended, he would fall, if he were convicted, under the penalties of the laws against *Ambitus* or bribery at elections. The electoral system at Rome was corrupt, and the penalties against giving bribes severe; and yet such was the splendour of the prize and so great the hope of profit which it promised, that men were ready to run the risk of being tried for bribery; not tried before the Senate, or a jury of senators, but before a regular court constituted for the purpose and by a jury who might be most hostile to the accused. The consequences of conviction were terrible to a Roman, fine, exclusion from the Senate and perpetual incapacity to hold office. Even if there were no incidental consequences of conviction, and perhaps there were, the man lost his position in the State, and would live in obscurity, as Cicero represents P. Sulla to be living after his conviction in B.C. 66. The social degradation of a man at Rome, whose offence was bribery at an election, is a striking contrast with the condition of an English member of the House of Commons, who has been unseated for bribery by a committee of the House upon the examination of witnesses. If his election is declared null, the declaration is made by men who have been elected like himself, and may have been guilty of bribery too. In the trial of the question of bribery by such a committee there is also room for *praevaricatio* as the Romans termed it, or collusion on the part of those who charge the member with bribery and undertake to prove it. It has been remarked that conviction for bribery was so common at Rome that it brought little or no shame. It may be true that convicted bribers were kept in countenance by one another, as rogues high and low are among us, but it is absurd to suppose that a knave did not feel the loss of his money and the exclusion from a public career which promised profit. An impartial observer might conclude that the Romans in this matter of bribery were in earnest, and that the English are not. It seems strange that the Roman electors, who were perhaps as ready to take a bribe

as our men, should have consented to enact such severe penalties against bribery: but this is partly explained by the fact that the laws against bribery touched only the giver, and not the receiver, who would feel confident that in spite of the law there would still be men bold enough to buy his vote annually. However even with this explanation it is impossible to conceive that the Roman electors would enact such severe penalties, unless there was a considerable number of citizens who really wished to stop bribery at elections; and if this was so, we must qualify the general charge of corruption against the Romans of this time, a charge so easily made against a whole people, always founded on insufficient evidence, and impossible to prove, even if it were true. We may assume then that when the popular vote gave the force of law to a bill for the punishment of bribery, it must have been enacted against the will both of those who gave and of those who received bribes, and the receivers were a numerous body. Consequently there must have been a still more numerous or a more powerful and well organized body of citizens, who could carry a bribery law against the will of those whom we assume to have been opposed to it⁵. There is this great difference between a Roman and an English bribery law. The Roman law was enacted by the electors, who also voted by ballot, and the law, if it succeeded in diminishing bribery, diminished the annual profits of the electors. An English bribery law is enacted by the men who are sent to Parliament by electors, many of whom have been paid for their vote. The Roman law was very severe against the briber, though it was made by those who received the bribes. The English law is not severe against the briber, and it is made by men some of whom give bribes. If all the constituencies of England were called on to give their vote on a severe bribery law, and by ballot, would the law be carried?

⁵ Hagen in his essay entitled *Catilina* (p. 28, &c.) attempts to prove the existence of a middle class, which owed its origin to Sulla's acts, not that he intended to create such a class, or even saw the consequences of what he was doing; a middle class that rose up and existed together with the nobles, the equites, and the proletariat or most needy class. It is certain that such a body of citizens did exist, a body of men who had property and consequently were no friends to revolution (Cicero's "*boni cives*"). Hagen's remarks are ingenious, but sometimes rather fanciful.

We cannot tell, unless the experiment were tried. Some of the smaller boroughs, and some not very small would certainly not vote for such a law.

It was probably in this year (B.C. 65), and certainly after the acquittal of Catilina on the charge of *Repetundae* that Quintus Cicero addressed to his brother Marcus a long letter on his candidature for the consulship (*De petitione Consulatus*). Marcus (c. 1) knew as well as his brother what means were necessary to secure votes, but Quintus, as he says, put the great variety of matter contained in this subject in a certain order, so that it might be seen at one glance, and be useful to his brother, as it is to those who would compare modern electioneering with the only antient practice which resembled our own. Quintus tells Marcus that he must not forget in his almost daily visits to the Forum, where he would meet his fellow-citizens, that he is the first man of his family who has obtained a curule office, a new man, as the Roman phrase was, that he was a candidate for the consulship, and a candidate in Rome. The newness (*novitas*) of his condition, which was a disadvantage to a candidate, must be compensated by his superiority as an orator, which so far had made his fortune. He had in his favour all the *Publicani*, almost all the equestrian order, many of the *Municipia*, many persons whom he had defended in court, some of the *Collegia* or guilds of Rome, a great many young men who admired and studied his oratory, and friends who daily attended him. He must pay his respects to the nobles, and convince them that he had always been on the side of the *Optimates*, that he did not belong to the popular party, that if he had said any thing on that side, it was done with the intention of gaining Cn. Pompeius and securing the aid of so powerful a person in his canvass, or at least preventing his hostility.

Marcus (c. 2) has nothing to fear from his competitors. As to Antonius and Catilina, it is an advantage to be opposed by two such scoundrels, whose crimes are notorious. The wicked deeds of Catilina are particularly enumerated, and his abominable torture and murder of M. Marius Gratidianus (c. 3). Catilina's trial for *Repetundae* is mentioned also and his disgraceful acquittal by bribing the jury, or a majority of

them. Nothing is said about Marcus having defended Catilina in this trial. If he did not, a denial of the fact by his brother cannot be expected. If he did defend him, Quintus could hardly allude to it after what he had just said about Catilina. We cannot come to any conclusion on this question from the silence of Quintus.

The office (c. 4) which Marcus seeks is the highest in the State: every man will think him worthy of it, but many will envy him. He had made enemies too by some of the cases which he had undertaken as an advocate. Quintus asks him, whether by taking such pains to add to the fame of Cn. Pompeius he thought that he made any friends.

A candidate for office must direct his attention to two things, to gaining the services of friends and the goodwill of the people (c. 5). Every man must be considered a friend, who shows a favourable disposition to a candidate, and pays attention to him: but the candidate will find it most profitable to make himself agreeable to those who are friends by reason of kinship or other sufficient cause. He must next secure the love of all who are most intimate with him; then the affection of his tribesmen, neighbours, clients, freedmen, and even his own slaves, for nearly all the report about a man that affects his character abroad comes from those whom he has in his own house. A candidate must seek friends of all kinds, men illustrious by rank and name, men high in office, as consuls and tribunes; and men who have influence in securing the votes of the centuriae. Particular attention must be paid to securing the aid of those who have gained the votes either of a tribe or a centuria through Marcus, or have received any favour from him, or hope for any. Within the last two years Marcus has laid under obligations to him four unions or clubs (sodalitates) by defending four members of these respective societies, men who have the greatest influence in elections. Quintus knows what promises the clubs made when they solicited Marcus to undertake their case, and he must now claim the performance of the promise. As Marcus must greatly rely in his canvass on those whom he has defended, he must plainly tell them what he now expects from each; and that he has reserved for the present occasion his

demand for the repayment of what is due to their former advocate.

There are three things (c. 6) which chiefly move men to goodwill for another and to vote for him, favours received, the hope of future favours, and simple inclination or goodwill. The smallest service is sufficient to determine a man's vote; but those who are under the greatest obligations must see that if they do not repay Marcus now, every man will condemn them. Still Marcus must ask for their vote, and let them know that by giving it they can remove the obligation from themselves to him. Those who have expectations of favours are much more active and ready to serve, and Marcus must let them know that he will be ready to serve them, and that he observes all that they are doing for him. Those who are already well disposed must be thanked, encouraged and led to hope that they may be among his most intimate friends. In all these three cases Marcus must well consider what each man can do, that he may know how to behave to him and what to expect from him. Marcus must look after those who have interest in their towns and neighbourhood, let them know what he expects, and that he will remember any service which is done. There are indeed men who can do nothing, and Marcus must distinguish them from others, that he may not rely on them too much and get nothing for his pains.

A man (c. 7), who is a candidate, must rely on friends, but the fact of being a candidate may be made the occasion of forming many new and useful friendships; and if a candidate neglects such opportunities, he does not know his business. Nothing in the opinion of Quintus is more foolish than to expect a man, whom you are not personally acquainted with, to take any particular pains about your interests.

Marcus (c. 8) must secure the votes of all the *centuriae* by making friends of various sorts; senators, Equites, active men of all classes. He must attend to the whole city, all the guilds, *pagi*, and every neighbourhood. By making friends of the principal persons in all these places and in all these companies he will secure all the rest. He must have the

whole map of Italy marked out in his mind according to the local tribes, and there must not be a single spot wherein he is without supporters. He must look out for men in every place, who will canvass for him as if they were canvassing for themselves. The *centuriae* of the *Equites* will be easily secured. The assistance of the young men also in a canvass is most valuable, and especially in that part of the business, which relates to "*assectatio*" or the personal attendance of a candidate's supporters.

This "*assectatio*" (c. 9) the candidate must employ daily, and the persons must be of all kinds, ranks and ages; for from the number of such persons who wait on a candidate an estimate may be formed of the strength of his votes. This "*assectatio*" is in three ways: when men wait on a candidate at home; when they accompany him to the Forum; and when they are constantly about him on all occasions. Directions are given for pleasing all these persons and securing their services. Quintus insists on the great importance of the candidate never appearing without a crowd about him, and those particularly whom he has defended in court and saved from conviction.

Quintus (c. 10) next gives advice about distinguishing friends from pretended friends. His brother's great merit forces some people to pretend to be his friends and at the same time to envy him. He must therefore remember the saying of Epicharmus that "watchfulness and distrust are the very sinews of the mind." There are three kinds of men who are detractors and enemies: those whom you have injured; those who do not like you and have no reason for it; and those who are the fast friends of your competitors. Directions are given for dealing with all these persons in order to diminish their hostility. The means for doing this are simulation and dissimulation duly applied.

So far as to the means of making friends: now (c. 11) as to the mode of dealing with the people generally. The first thing is "*nomenclatio*," the addressing of persons by name. You must take care that you are acquainted with those whom you solicit: nothing pleases people so much⁶. What you

⁶ It was usual for candidates to employ persons, slaves or others, named

cannot do naturally, you must strive to do, as if it were done naturally. Flattery is quite necessary, for though in other cases flattery is bad, it is unavoidable in canvassing. A candidate must change and adapt his countenance and his language to the feelings and opinions of those whom he solicits. He must be always busy, always at Rome and in the Forum, constantly soliciting. Liberality (*benignitas*) has a wide range. It is shewn in hospitality, and though it cannot be extended to the multitude, it is praised by a man's friends and pleases the people. It is also shown by entertainments, which must be given by a candidate and his friends, both generally and in the several tribes: and thirdly, by a man's acts. The candidate must be accessible day and night; his countenance must be as open as his door. What he promises to do, he must show that he will do with hearty goodwill: what he cannot do, he must refuse so as to avoid giving offence, and he must convince the petitioner that he will make it up for him in some other way.

Men (c. 12) are more captivated by the expression of the countenance and by what is said than by the favour which is actually conferred. If you refuse to assist a man in court because of your close connection with the opposite party, it is still possible that he may leave you in good humour; if you refuse on the ground of being too much engaged in the business of your friends or by more important cases, a man goes away your enemy: he would rather you should tell him a lie than refuse. The example of C. Cotta, a great master of the canvassing art, is quoted. He used to promise every body who asked him, if the request did not involve some violation of his duty to others: he maintained that this promising is not so hazardous as it appears; and that at the worst, the man can only be angry with you for lying to him. If you promise generally, there is some uncertainty about the time when the performance of your promise may be claimed, and it is only a few who may really require it: if you refuse on the spot, you forthwith offend many.

"nomenclatores," who knew the names of the electors and accompanied the candidates in their canvass. In our bribery system these men are sometimes named "canvass agents." They go round with the candidates and point out the voters.

It is most important (c. 13) to attend to popular rumour; but the precepts already given will show how a favourable public opinion may be created. The means are the candidate's oratorical reputation, the zealous support of the publicani or farmers of the taxes, and the like. He must attempt to satisfy every man by words, and many by acts, not so much that good report may be thus carried to the people, but that the people themselves may be interested in all these matters. Now is the time for Marcus to call all those to his aid whose favour he gained by his panegyric on Pompeius, by undertaking the case of Manilius, and by defending Cornelius. He must let every body know that he has the best wishes of Pompeius, who considers his interests closely involved in Marcus obtaining the object of his ambition. Finally, his canvass must be accompanied by all the circumstance of publicity and splendour; and if possible, his competitors must bear such evil report as to crime, or impure life, or bribery, as may be consistent with their habits⁷. Let the commonwealth form good hopes of him and a good opinion; but he must not during his canvass take any part in public measures either in the Senate or in addressing the people. But this must be kept in view: let the Senate conclude from his past life that he will support the authority of that body; the Roman Equites and the respectable and wealthy citizens, that he is in favour of peace and quiet; and from this single fact that in his public speeches and in the courts he has been on the popular side, let the multitude conclude that he will not be an enemy to their interests.

It remains to be observed (c. 14) that Marcus is a candidate at Rome; a city which is formed by a union of nations, in which treachery, trickery and vices of all kinds abound; a city in which a candidate must endure arrogance, insult, malevolence, pride, hatred and annoyance from many persons. It requires great prudence and tact under such circumstances to avoid giving offence, to avoid becoming a subject of scandal, to avoid treachery. Marcus is therefore advised to continue in the course which he has begun; to use his excellent gift of

⁷ The sense of this passage is spoiled in the new edition of Orelli's Cicero.

speech, by which men are attracted, and by which they are also prevented from doing him harm. The greatest difficulty in seeking the consulship at Rome is this, that bribery makes the electors forget virtue and merit. But Marcus must remember that he is the man from whom his competitors run the greatest risk of being brought to trial; he must let them know that they are watched, let them fear his activity, his eloquence and the influence that he has with the equestrian order. Still it must not appear as if he were thinking of a prosecution already; but the alarm that his competitors may feel will help him in gaining his object. There are no elections so disgraced by bribery that a few centuriae will not return their favourite candidates without receiving any thing for their votes. If then we are vigilant, if we urge our friends to make all possible exertion, if we assign to every man who supports us his proper duty; if we hold out to our competitors the fear of prosecution, if we terrify those in whose hands the bribery money is deposited (*sequestres*), if we adopt some means of keeping in check those who distribute the bribe money (*divisores*), we may possibly succeed in reducing bribery to nothing, or we may render it ineffectual. Quintus concludes thus: "I do not suppose that what I have said is better known to me than to yourself, but still I think that as you are so busy, I can more easily put it all together and write it out for you. And though what I have written is not applicable to all candidates, and is intended particularly for you and your canvass, yet if you think that any part should be altered or struck out, or if any thing has been omitted, I hope you will tell me; for I design this little essay on canvassing to be considered in all respects complete."

This letter on canvassing from one Roman to another, who was one of the most distinguished men of his age, will give a careful reader some insight into the Roman electoral system, in which every citizen had a vote, and voted by ballot; in which the labour and difficulty of the canvass enormously exceeded all that any modern election imposes, first because the electors were so numerous, and second, because they were now spread all over Italy from the Po to the extremity of the peninsula, and travelling was slow in those days and there

was no press to help the candidate's voice. Many small places would not be worth visiting for the number of the votes that they could give, and the candidate would use his strength chiefly in soliciting the inhabitants of Rome and the neighbourhood; but still he must have moved about a good deal, and his expenditure even without bribery would not be small. A Roman noble aided by friends of his own class would find a consular election comparatively easy, and a victorious general like Pompeius could have the honour by asking for it. But C. Marius (vol. i., p. 440), a man of low origin, found it no easy matter to gain the consulship the first time; and Cicero, an eques from the same country town as Marius, has himself told us what efforts were necessary to secure this prize.

"Collegia" and "sodalitates" have been mentioned by Quintus, and it is necessary to understand what these bodies were, and how important it was for a candidate to secure their support.

Unions, associations for various purposes were common in Rome. There were religious associations (*collegia templorum*); also associations of clerks, or persons who were occupied in the transaction of business under the magistrates, and were comprised under the general name of *scribae* or writers. There were also guilds of workmen or artisans of various kinds and of great antiquity, some of which had peculiar privileges. We read of the "*collegia pistorum*," the companies of bakers at Rome and others; and in the provinces there were "*collegia naviculariorum*" or companies of ship and boat owners. Such associations were founded on unity of occupation, and intended to protect the real or supposed interests of the several members, but each man worked on his own account. There were also associations, named "*societates*" or partnerships, which correspond exactly to our partnerships, and were associations of persons who combined their capital and labour for the purposes of trade. Such partnerships were simply contracts between the members for doing certain things; they could be dissolved by notice and they were terminated by the death of a member (Gaius, iii. 151), like our partnerships. But some of these associations were like our

public companies, such as associations of the publicani for farming the public revenues, and companies for the working of gold mines, silver mines, and salt-making. There were also unions originally formed for social purposes, which were named "sodalitates," "sodalitia," and these may be compared with our clubs. These associations finally were made the centres of political parties, and we may assume that they were sometimes formed solely for political purposes. There is mentioned even a "collegium" of Cornelii as existing in the year B.C. 65, a name which reminds us of Sulla's Cornelii, and suggests the idea of a league formed to support a political party (Ascon. in Corn., p. 75). We read of these unions, clubs, leagues, or whatever name best represents these associations, occupying the public places of Rome in times of great excitement; of the Senate ordering them to disperse, and of a law being carried for imposing on such as would not disperse the penalties applicable to rioting. These disorders led, as Asconius informs us (In Cornel., p. 75, ed. Orelli), to the suppression of these associations, except such as were useful to the State; or more correctly, those "collegia" were abolished (B.C. 64) by law which were judged to be hurtful to the State; from which it clearly appears that all "collegia" were not abolished, but only those of a dangerous political character, or such as were considered dangerous. Seven years later this prohibition was removed, and not only were the clubs, leagues, or unions revived which the Senate had abolished, but others were formed of the dregs of the city and of slaves (Cic. in Pison. c. 4).

All such *collegia*, companies or unions, as were created by voluntary association and legally existed (Dig. 3, tit. 4), had a "corpus," as the Romans termed it, and they resembled the community which is named a town or city. They could hold property for the general interest; they had a common chest, and an agent or syndic, who as the representative of the body acted for it. Even those clubs, which existed for social or political purposes only, must have had, and we are told that they had, contributions from the members for the purposes of the association. The political action of all these companies and associations might

be made very efficient for election purposes. A few men, as is usual in such cases, would govern, and the rest of the members would obey the wishes or the commands of those who were entrusted with the management of the affairs, for it is a general rule that those, who are named the servants or agents of others, become in time their masters.

CHAPTER XII.

C. CAESAR, CICERO, AND CATILINA.

B.C. 68—64.

THE political progress of Caesar was slow compared with that of Pompeius, who commenced his career in the midst of a civil war. Caesar in more settled times went through the slower and regular course of public offices. He was quaestor probably in B.C. 68 when he accompanied the praetor Antistius Vetus to Further Spain, and under his orders went the circuits for the administration of justice. Among other places he visited Gades, where he saw in the temple of Hercules the statue, bust or portrait, whichever it might be, of Alexander the Great, the sight of which moved him to reflect that he had yet done nothing worthy of remembrance, though Alexander when he was no older had conquered the world. These reflexions led him to demand permission to return to Rome, that he might take advantages of any opportunities which might offer. This silly story of Suetonius (Caesar, c. 7) appears in Plutarch (Caesar, c. 11) in a somewhat different form and is assigned to the time of Caesar's praetorship in Spain. It may be true that Caesar returned from Spain before the end of the year 68, and also true that on his return through North Italy he visited (Suetonius, Caesar, c. 8) the Latin colonies, which were agitating for the Roman citizenship; but the further statement, that Caesar would have roused these towns to some daring attempt, if the consuls had not with a view to prevent it detained for a time certain legions destined for the province of Cilicia, is unworthy of

credit, for it places Caesar no higher than a common adventurer devoid of sense and all foresight.

These Latin colonies were the towns north of the Po, to which Cn. Pompeius Strabo had given the *Jus Latii* (vol. ii., p. 210), and Caesar now visited them for the purpose of encouraging the inhabitants in their demands and thus strengthening his political influence. What Caesar on this occasion may have promised to the Transpadani, he ultimately gave them (B.C. 49).

Some time during Caesar's quaestorship, and, as Plutarch says, before he went to Spain, Julia died, his father's sister and the wife of C. Marius, seven times consul. Caesar's own wife also died, Cornelia, the daughter of L. Cornelius Cinna, a partisan of Marius. It was not unusual to pronounce funeral orations over aged women, but this was never done in the case of young women until C. Caesar pronounced the funeral orations of his wife and his aunt Julia. We may conjecture that less would be said about the women than about the husband of Julia and the father of Cornelia. A singular passage is quoted by Suetonius from the oration over Julia, in which Caesar derives his aunt's descent from king Ancus Marcius on her mother's side, for Julia's mother was a Marcia. On the father's side Julia was descended from Venus, to whom the Julii traced their illustrious pedigree. It is impossible to suppose that the speaker believed what he said; and almost equally impossible to suppose that most of the people did not believe it, for to announce an impudent lie to those who will not accept it, would betray a total want of sense: but if this foolish boast was generally believed, we cannot for that reason consider the Romans of Caesar's time as more ignorant than the superstitious of our own days. The wonderful part of this address is, not that the Romans should silently cherish the notion of one of their great families being of divine descent, but that a member of the family should openly proclaim such an article of belief. And yet we must assume that Caesar knew the people whom he was addressing. At Julia's funeral the busts of Marius appeared in the procession, the first time that they had been seen since Sulla made himself master. Some of the spectators cried out

against this presumptuous exhibition, but the crowd loudly cheered and clapped their hands, and admired the man who after so long an interval raised again the buried glories of C. Marius and displayed them to the citizens of Rome. Caesar took for his second wife (vol. ii. 377) Pompeia, the daughter of Q. Pompeius Rufus, who was murdered in B.C. 88 (vol. ii., p. 222), and of Cornelia, a daughter of the dictator Sulla. The marriage of Caesar with a woman who belonged to the house of Pompeius, or at least bore the name, might in itself seem to have no political meaning, but when Caesar supported the proposal of Gabinius to give Pompeius the command of the forces against the pirates, and the bill of Manilius (B.C. 66) for empowering him to prosecute the war against Mithridates, we may suspect that he had other reasons than love for taking Pompeia to wife.

Caesar was now buying popular favour by such arts as were necessary at Rome. Being appointed a commissioner, "curator," as the Romans expressed it, for the repair of the Appian road or the road from Rome to Capua, he spent on it a large sum of his own money. Plutarch reports on some authority that before he attained any public office, he was in debt to the amount of thirteen hundred talents in consequence of his profuse expenditure. Such statements cannot be accepted as literally true, but if we may trust all the evidence, Caesar borrowed largely, and was early in life an embarrassed man. He laid out his money on political speculation to win the favour of the electors, many of whom were of the common sort, and it is the nature of such people, as Appian truly remarks, to admire and praise those who spend extravagantly¹. Nothing is said of the security that Caesar gave to his creditors, but there were capitalists in Rome ready to lend to a man who in due time would obtain the highest honours in the State.

C. Caesar and M. Bibulus were curule aediles for the year B.C. 65. In this aedileship Caesar decorated the Comitium, the Forum and the Basilicae of Rome, and he built on the Capitol temporary porticoes for the purpose of containing part

¹ See what Cicero says (*De Lege Agraria*, ii., c. 27) to the people whom he advises to stay in the city.

of the things which were exhibited (*exposita*) to the public. For the purpose of this exhibition it was the practice of the wealthy Romans who discharged the curule aedileship, to beg, borrow or to steal valuable statues and pictures from the Greek cities. This practice of decorating the Forum began early (*Liv. ix. 40*). The *Ludi Megalenses* or *Megalesia* in honour of the Great Mother of the Gods, who was brought from Pessinus in Asia to Rome, were celebrated in April, and the *Ludi Romani* or *Magni* in September. The expenses for the exhibition of wild beasts (*venationes*) and for the *ludi* were jointly contributed by Caesar and Bibulus, but Caesar paid for some things himself, and either this circumstance, or his superior activity and tact got him the credit of the joint expenditure also. His colleague made a tolerable joke when he said that he had the same bad luck as Pollux, for there was in the Forum a temple dedicated to the twin brothers Castor and Pollux, but it was always named Castor's temple. It was probably the show of gladiators exhibited at Caesar's own expense which gave him the superiority over his colleague. This grand exhibition was ostensibly in honour of Caesar's father who had long been dead. It appears that the Senate being alarmed at the great body of gladiators, who were brought together for the occasion, made a resolution which fixed the number that a man might have in Rome. Caesar exhibited only three hundred and twenty pairs, but to make amends for the number of fighters being curtailed, he had all the "*apparatus*," as Pliny terms it, of the amphitheatre made of silver, and the criminals who fought with the beasts had silver spears or javelins, as the corrupt words of Pliny may mean (*Plin. H. N. 33, c. 3 (16)*).

When Sulla had finally gained the victory over his enemies, he removed or destroyed the trophies, or the memorials of Marius' victory over Jugurtha and the Teutones and Cimbri. It was Caesar's policy to revive the name and the glories of his illustrious uncle, and accordingly during his aedileship he ordered busts, or statues possibly, of Marius to be secretly made and triumphal figures named Victories, and he set them up by night on the Capitol. At daybreak a great crowd was attracted by the figures which were glittering with gold and

of excellent workmanship, and there were inscriptions which recorded the Cimbrian victories of Marius. Every body knew who had done this daring act. Some said that Caesar designed to make himself a tyrant, and that this was a way of trying the temper of the people; but the partisans of Marius who were collected in great numbers filled the Capitol with their shouts, many of the soldiers shed tears when they saw the likeness of the old general who had led them to victory, and they extolled Caesar as a worthy kinsman. The Senate could not avoid taking notice of the affair, and Q. Lutatius Catulus, the son of the Catulus who put himself to death under the tyranny of Marius, exclaimed that Caesar was taking the State by storm. Caesar replied, and we are told that he satisfied the Senate; but we are not informed how he satisfied them about an act, which if it was not illegal, was at least very irregular, and evidently was intended to revive old animosities, to excite the passions of the multitude, and to distract the State. In such conduct we see nothing but the violence of a vulgar partisan, and no evidence of any talent or disposition to improve the condition of Rome.

Another affair at this time, which made some noise, is thus reported by Suetonius (Caesar, c. 11). Caesar having gained the popular favour attempted with the aid of some of the tribunes to obtain by a plebiscitum a mission to Egypt, for the purpose, as it has been supposed, of restoring the king whom the people of Alexandria had expelled. But Suetonius does not say this: he merely says that the king's expulsion was generally disapproved.

We know no king who was expelled in B.C. 65; and the object of the mission was to make Egypt a dependency of Rome, if Plutarch's narrative in his life of Crassus (c. 13) can be relied on. Crassus, he says, being censor with Q. Lutatius Catulus "designed a shameful and violent measure, to make Egypt tributary to the Romans, and Catulus opposed Crassus vigorously." We learn from Cicero that a claim to the kingdom of Egypt was made by the Romans or by some Romans, and that the claim was founded on an alleged will of an Egyptian king named Alexander. There has been much discussion about this Alexander. The first of the

Egyptian kings named Alexander died in B.C. 89 or B.C. 88, and as the Romans claimed Egypt as having been their property since the consulship of Sulla and Q. Pompeius Rufus, B.C. 88, it would be consistent, as Drumann says, to suppose that Alexander I. made the alleged will. It cannot be proved that it was Alexander II. (vol. ii., p. 381). Nor have we any authority for assuming the existence of a king Alexander, who died in B.C. 65, nor for assuming that king Alexander I. lived to B.C. 65, for we have sufficient evidence that he died much earlier. If it should be asked why the Roman claim was made in B.C. 65 and not earlier, it is not difficult to find an answer. There was a man rising into power, who wanted something to do, and wished to ingratiate himself with the people by a fresh annexation, an operation which is particularly pleasing to a republic, and mere talk about it flatters national vanity. However this matter ended in nothing at present.

We have further evidence of Caesar's political activity. The Transpadani were bestirring themselves about their claim to the Roman citizenship, and we naturally connect this movement with Caesar's visit to them. The two censors could not agree: one of them was in favour of admitting the Transpadani to the citizenship, and the other was not. The censors for this and other reasons resigned their office.

We may probably connect the Lex Papia of this year with the agitation of the Transpadani. C. Papius, one of the tribunes, proposed and carried a bill for the expulsion of all Peregrini or aliens from Rome. This term Peregrini (vol. ii., p. 174) would include the Transpadani, and we may assume that many of these people flocked to Rome and attempted at the elections to pass for Roman citizens. Dion (37, c. 9) says that the reason for this enactment was that these Peregrini were too numerous and it was not considered fit that they should dwell among the Romans, which is a very absurd statement. If this law were strictly enforced, it would banish from Rome all persons who were not Roman citizens, in whatever business or occupation they were engaged; and Cicero justly condemns it as a barbarous measure (*De Off.* iii. 11).

The elections for the year B.C. 63 were now near, and

Cicero was still prosecuting his canvass in the consulship of L. Julius Caesar and C. Marcius Figulus (B.C. 64). He had now six competitors; two patricians, P. Sulpicius Galba and L. Sergius Catilina; four plebeians, two of whom were nobles, C. Antonius, a son of the great orator M. Antonius, and L. Cassius Longinus; and two others, Q. Cornificius and C. Licinius Sacerdos, who was the predecessor of Verres in the government of Sicily. About the first of June B.C. 64, as Sallust fixes the time (Cat. c. 17), Catilina began to form his conspiracy, if we can give the name of conspiracy to the project of a man who expected to be elected consul for the next year, and to be at the head of the administration. But before we attempt to discover the designs of Catilina, we must say a little about the man's life and the evidence for the charges made against him. There are two contemporary writers on the affairs of this and the next year, Sallust and Cicero. Sallust was twenty-three years old in B.C. 63, and he was acquainted with many persons who at that time were members of the Senate and knew Catilina and his associates. Sallust's history of the conspiracy is an ambitious effort to produce a piece of fine writing: the form and the style occupied the historian more than the matter. This history is not unlike some modern reviews and essays, nor is it much longer than such compositions sometimes are. It opens, as a review often does, with a flourish of trumpets, with some preliminary pages intended to be philosophical, but they are tedious to read, and very superficial. The first four chapters contain reflections on the nature of man, on the difficulty of writing history and the reasons why Sallust wrote history, and particularly the history of this conspiracy. The probability is that it was written after Sallust's return from his African government, when he retired from public life, for he says that when he wrote he had nothing to hope, nothing to fear, and he was free from all party connections. So far he was well fitted to write a chapter of the history of Rome. He then sketches the character of Catilina, who belonged to the old patrician gens of the Sergii, but no member of this antient stock had attained the consulship. Catilina, says the historian, had great abilities and a strong body, but his disposition was bad. From his

early manhood he had been engaged in civil wars, murder and robbery. He had wonderful powers of endurance: his character was audacious, cunning and versatile; he was a perfect master of simulation and dissimulation; greedy after the money of others, wasteful of his own, violent in all his appetites, with some skill in talking, and only a small share of good sense. His thoughts ungoverned and unrestrained were always leading him to wild and extravagant wishes and hopes. The man's character being thus drawn for us before we are told any thing about him, we are prepared to expect what will follow. Cicero also has left us a character of Catilina in a speech made (B.C. 56) in defence of M. Caelius, who was charged on his trial with having been a friend of Catilina, and it was part of the defence of Cicero to remove from the minds of the jury the bad effect which such a charge might produce. The character of Catilina is drawn with strong contrasts, for Cicero would remember what he had publicly said about him a few years before, and many who were then present must have heard it. As he had once painted Catilina in the blackest colours, he relieves the portrait in this speech for Caelius with lighter touches (c. 4, 5, 6): if he charges Catilina with a vice, he balances the vice with a virtue. The strokes of the artist's hand are many and various; the character is drawn in antithesis. The bad is intended to justify Cicero's past declamation against Catilina: the good is intended to clear his client of the imputation of having been intimate with such a monster.

Cicero informs us that Catilina by his versatile talent had collected around him wicked and audacious men from all parts, but he also attracted good and honest men by a certain appearance and semblance of virtue; and he would never have formed the design of overthrowing the State, if so many vices had not been supported by a certain foundation of good nature and a willingness and power to make himself agreeable. Accordingly Cicero calls on the jury to dismiss from their minds the charge that Caelius had once been intimate with Catilina, for it was a charge that might be made against many men, and even against some good men. "I too," says Cicero, "I was once almost deceived by him, for I thought that

he was a good citizen, well-disposed to every honest man, and a firm and faithful friend: with my own eyes I detected his crimes before a thought of them had entered my mind; I had the proof of his guilt under my hands before I entertained a suspicion of it. If then Caelius was one of the numerous friends of Catilina, it is more reasonable that he should feel annoyance for his mistake, as I also sometimes am sorry that I was mistaken about Catilina, than that he should fear being charged with having once been Catilina's friend." But we may ask, when was Cicero almost deceived by his friend Catilina, who near twenty years before Cicero detected his conspiracy, murdered Cicero's countryman Marius Gratidianus, and carried the bloody head through the streets of Rome to deliver it to Sulla in Apollo's temple²; and if you doubt the fact, as you may perhaps doubt, still you must not forget that it is Cicero who vouches for it. It is Cicero too who gives us this qualified character of a man whom some years before he described as the worst of Sulla's bloody band, a murderer, a plunderer of his province, an incestuous villain; but after all a friend who almost deceived him. (In *Tog. Cand.* p. 90, ed. Orelli.)

The few facts which we obtain from Sallust as to the designs of Catilina are these. He was ambitious of power and he had the example of L. Sulla. He had no scruples about the means, if he could gain his ends. He was poor, and always in want of money. As to his conscience being troublesome and urging him to fresh crime, we may treat that as an invention of the historian. With such a character, in such embarrassed circumstances, and in a corrupt and luxurious city Catilina became a revolutionist. The mention of the corruption of the times leads Sallust to sketch the early condition of Rome, the virtues by which the Roman power grew, and the vices which were introduced after the destruction of Carthage. This sketch is not without truth, and it has some merit, but the affectation of the author to be

² Cicero's commentator Asconius informs us that this was not the temple on the Palatium, for the Palatine temple was built by Caesar Octavianus after the battle of Actium; but that the temple of which Cicero speaks was outside of the Porta Carmentalis between the Forum Olitorium and the Circus Flaminius.

a philosopher and his love of fine writing spoil the effect. The great corrupter of Rome was Sulla. He corrupted the army, and he ruined the antient Roman discipline. He plundered, he murdered, and he robbed to pay his men, and he set an example of profusion and sensuality, in which he was imitated by those who had the means; and those who had not, were ready to do any crime to satisfy their passion to enjoy. Sallust (Cat. c. 14) enumerates among the companions of Catilina men who had wasted their substance in riotous living, who had contracted great debt to purchase impunity for crime; murderers, men convicted or fearing a trial and conviction, villains of all kinds. Such were the men on whom he relied for the accomplishment of his designs. If any honest man became a friend of Catilina, he was soon corrupted and made like the rest. Catilina sought principally for young men, because they could more easily be formed to his purpose, and he secured them by such means as were adapted to their inclinations. Some he furnished with women; for others he bought horses and dogs, and in fact he spared no cost; but Sallust has forgotten to tell us how a man, whom he represents as poor, contrived to support such an expenditure.

In his youth Catilina (Cat. c. 15) had been guilty of many abominable acts. He had debauched a young virgin of a noble family, and also a priestess of Vesta, and done other things of the same kind, as Sallust says, but he mentions no others. The Vestal is supposed to be Fabia, the half-sister of Cicero's wife Terentia, but Sallust should have added that Fabia was tried on the charge of "incestum" and acquitted. Asconius, who is the authority for the trial of Fabia, does not say that Catilina was tried on the same charge, and yet it must have been so, if he was the man who was accused of debauching the Vestal. Orosius (vi. 3) mentions the trial of Catilina and fixes it in the year B.C. 73. Finally Catilina fell in love with Aurelia Orestilla, a beautiful but a bad woman, and as she hesitated to marry him because he had a grown-up son, "it is firmly believed" that the man murdered the youth to make room for a new wife. No evidence is given for this report; and yet this abominable imputation

is assumed by Sallust to be true, for he says that this crime in his judgment was the chief reason why Catilina hurried on the execution of his plot; and this second assumption is proved by another, that his conscience gave him no rest; for which third assumption no proof is offered except that the man's complexion was bloodless, his eyes dull and muddy, his gait sometimes hurried, sometimes slow; finally there were the marks of a deranged mind both in his bearing and his face. This is the way that a contemporary Roman writes the history of what he considered to be a memorable attempt to make a revolution, and this is the way in which he displays his incapacity to do what he had undertaken.

But Sallust does even worse than this. He affirms that Catilina took pains to instruct in the practice of crime the young men whom he had seduced. When perjury and forgery were to be committed, these youths were the tools whom he employed. They were taught to care not for their honour, nor their property, nor for danger; and when every impression of virtue and modesty was worn out, then Catilina would require still more from them. If there was no immediate motive for doing wrong, these wretched instruments must still cheat and murder: for their leader committed crime even when there was no hope of profit, because forsooth inactivity might impair a man's energy and resolution. Here the historian betrays himself. If he had evidence of facts which would have supported these general charges, it was his duty to state the facts clearly. If he had no evidence, which is the proper assumption for us to make, we conclude that he cared not for what he said, and thought only of rhetorical effect. But a writer, who was careless about truth, might still have avoided the absurdity of telling us that Catilina committed fraud and murder, even when he expected to gain nothing by his crimes.

From such a writer we almost despair of extracting any facts that we can believe; and yet it is possible that after satisfying his taste for historical effect, as he conceived it, Sallust may have told the truth, as far as he knew it, in the narrative which follows this strange introduction. What he distinctly affirms as to the motives and designs of Catilina

is this : that there were universal debt and embarrassment, that most of Sulla's men having wasted what they had received were ready for another civil war : in Italy there was no army ; Cn. Pompeius was in the distant east ; Catilina had great hopes of gaining the consulship ; the Senate exercised no vigilance ; all was quiet and favourable for the opportunity. This is clear and intelligible. Catilina and his associates were insolvents, and if he attained power, he intended to use it to supply his own wants and the necessities of his followers. In a State, where people are accustomed to revolutions, as in France, a few daring insolvents may seize power in order to get out of their difficulties and enrich themselves at the cost of the people. In a country where such a revolution is impossible, as in England at present, those who would get rid of debts and cannot pay, and those who would enjoy and have not the means, must resort to fraud. The opportunities of escaping the payment of debts, and even of getting wealth by knavery, are great in a rich commercial country, and, as we know by experience, they are not neglected by Englishmen ; but in Rome an insolvent's hopes rested on revolution only. No one can suggest that Catilina had any purpose in gaining by legal means or seizing by force the government of the State, except to rid himself of debt and to enrich himself. No antient writer has attributed to him any policy that could improve the condition of Rome and Italy ; and it would be absurd for us to assign to him the merit of any enlightened views of reform or improvement, when we cannot name a single Roman of his age who deserves this praise. I conclude then that Sallust has told the truth about Catilina's insolvency, and his wild scheme for mending his fortunes. The historian's great fault is that he has almost buried the truth under a heap of idle words. Plutarch has hinted at one element of disturbance which should not be overlooked in estimating the designs of the conspirators. The great inequality of properties was certainly one cause of the revolutionary attempt of which Catilina was the leader. Such attempts are not made by men who have always been poor, nor was it simply the poor of Italy who threatened the State with fresh disasters. Many of the Roman nobles had im-

poverished themselves not only by expensive living and building beyond their means, but by spending money on entertainments and shows with the view of securing votes and being ultimately repaid by the profits of place. Owing to Sulla's revolution and the disturbed state of Italy there had been a great change of property, and wealth had come into the hands of persons of mean birth, while many of the nobles were reduced to poverty by their wasteful expenditure.

About the first of June then, B.C. 64, Catilina began to open his designs to his associates, to explain his resources and to show them the great prize that was in view. After trying them severally he summoned those who were most in want of money and had most daring. Of the senatorian rank there were P. Lentulus Sura, who after having been consul in B.C. 71 had been expelled from the Senate in B.C. 70, and was now a candidate for the praetorship, P. Autronius, one of the consuls who had recently been convicted of bribery and deprived of their office, L. Cassius Longinus, who may have been praetor with Cicero in B.C. 66 and was now a candidate for the consulship, C. Cornelius Cethegus, Publius and Servius, the sons of Servius Sulla, L. Vargunteius, Q. Annius, M. Porcius Laeca, L. Calpurnius Bestia and Q. Curius. This Publius Sulla, the son of Servius, is not the Publius Sulla, the colleague of Autronius, who was convicted with him, but another of the same name, as appears from the correct reading of a passage (c. 2) in Cicero's oration for Publius Sulla, the colleague of Autronius. Of the equestrian order there were present M. Fulvius Nobilior, L. Statilius, P. Gabinius Capito, and C. Cornelius, one of the most desperate of Catilina's associates. These are all the names mentioned by Sallust on this occasion. Among the men summoned by Catilina there were also many nobles from the *coloniae* and *municipia*; for there were nobles at that time in these Italian towns as well as in Rome, and a family in a country town may have been ennobled by an ancestor having filled a high office, which was the way that nobility was acquired at Rome. There were many other nobles who were privy to the designs of Catilina, and were moved more by the

hope of power than by any other reason. Further, most of the young men, and chiefly those of noble family, favoured the designs of Catilina, as Sallust says, though he does not explain how they knew what his designs were, for at present he kept them very close. Though these young men had sufficient means for living in splendour and luxury, they preferred the uncertain to the certain, peace to war, as Sallust says; the meaning of which may be that a number of dissolute young men having nothing to do were ready for any thing. Sallust's remark may have more in it than at first sight appears. In a country where there are numerous rich families, there are young men who are fit for nothing and are not brought up to any occupation, and unless something is found for them to do, they become very troublesome members of society. At Rome they were ready for war or revolution. There was a report, and even a report without a foundation is an historical fact, that M. Licinius Crassus, the richest man in Rome, was acquainted with the design of Catilina; but the report rested simply on the well-known dislike of Crassus to Cn. Pompeius, who was now at the head of an army in the east. It was supposed, and it may also have been true, that Crassus wished to see some man rise up to check the growing power of Pompeius, and that he did not care who it was, for "he was confident," says Sallust, "that if the conspiracy succeeded, he should hold the first place among the conspirators." The conspiracy then, if we accept Sallust's facts, was not exactly what it is often represented to be, though it was a conspiracy. It was a combination of men for the purpose of getting the power into their hands and using it for their own profit.

When Catilina had assembled his associates, he took them to a retired part of his house and made a speech. The speech of course is Sallust's work, and we know not what authority he had for any thing that it contains, but we may suppose that the historian made Catilina speak conformably to the designs which he imputed to him. Catilina told the meeting that he had tried them on many occasions and found them faithful, and that thus he was encouraged to his glorious enterprise. Their interests were all the same; and what

would their future condition be, unless they asserted their liberty? The commonwealth was in the hands of a few men, who had all the profit, while they whom he addressed had nothing except danger, failure at elections, prosecutions and poverty. It was better to die at once than to lead such a wretched life, when they had the means of redress in their hands. It was intolerable that their enemies should be so rich that they could not exhaust their wealth by any extravagance, while they themselves wanted even the necessities of life. Their present condition was bad, their expectations worse, and why then did they not rouse themselves to liberty, which would bring with it wealth, honour and glory? The circumstances, the occasion, their danger and their poverty, the splendid spoils of war ought to encourage them more than his words. He was ready to lead or to serve as a common soldier. He expected indeed to accomplish his designs with their aid when he was consul, unless they would rather continue to be slaves than command.

The assembly were ready for revolution, but most of them wished to know what they should get by it and what were the prospects of success. Catilina promised them a general bill of relief from debts (*tabulae novae*), which was a Roman way of settling accounts between creditors and debtors from time to time, and a proscription of the rich, the meaning of which was well understood: he promised them also offices (*magistratus*), priestly dignities which were places of profit, and plunder and every thing else which war and the pleasure of the conqueror bring with them. In Spain there was Piso (p. 197); in Mauretania P. Sittius of Nuceria with a force, and he could rely both on Piso and Sittius. C. Antonius was his friend, and he hoped to have him for his colleague in the consulship: Antonius was in great pecuniary difficulties, and would act with him as soon as they were consuls. After encouraging the assembly to support him in his canvass for the consulship he dismissed them. There were persons who reported that after making this speech Catilina handed round human blood mixed with wine in bowls, and that all who were present tasted of it with imprecations on themselves, if they should betray the plot. Some persons supposed that

this story was a fiction like many others, and invented by those who wished to diminish Cicero's unpopularity after the execution of some of the conspirators. Sallust admits that he had no sufficient evidence for this monstrous story. Dion (37, c. 30) states as a simple fact without any remark, that Catilina killed a boy and after the oath had been taken over the viscera, he and the rest ate them; but he puts this event in the next year, and even affirms that the consul Antonius was present. Dion may have copied this silly story about the boy from Plutarch (Cicero, c. 10).

If we look at the names of the men whom Catilina invited to this meeting, at which many of the nobles from the *coloniae* and *municipia* also were present, we are struck with the singular want of sense that Sallust has shown in this speech. It is like the address of a general to his soldiers at the commencement of a war. Some of Catilina's complaints would be intelligible to those whom he addressed, men who were discontented with the party in power, and some of them loaded with debt; but when he speaks of himself and all of them as without a home, utterly impoverished, and with nothing in the world except a wretched existence, we might imagine that he was addressing the poorest of the Romans instead of senators, Equites, and nobles from the *coloniae* and *municipia*. He speaks of the spoils of war as a motive to action stronger than any words that he can use. In this future campaign he is ready to serve as a commander or as a soldier, but yet he expects with their aid to accomplish this great revolution in his consulship. He tells the meeting that he expects to be elected consul with his friend C. Antonius, who was not present, and he says this before L. Cassius Longinus, who was himself a candidate for the consulship, and now learned that though invited and trusted as a conspirator by Catilina, his leader did not wish to have him as a colleague. Catilina's declaration about the consulship contains all that we can accept as an historical fact: he expected to be elected consul and, as Appian briefly expresses it, to make the consulship the path to a tyranny or absolute power.

Catilina and Antonius had formed a coalition to prevent Cicero's election, and both M. Crassus and C. Caesar gave

them all the help that they could. Crassus was no friend to Cicero, who had unjustly extolled the services of Pompeius in the servile war; and Caesar, who was acute enough to know the man's character, perhaps foresaw that Cicero after his election would change sides. It was reported that Catilina and Antonius were buying the electors, and the Senate had expressed an opinion that the penalties of the Calpurnian law against bribery should be increased. Though many of the senators did not wish Cicero to be elected, still less did they like Catilina, and apparently they thought that a severer enactment might prevent Catilina's election. But a tribune Q. Mucius Orestinus put his veto on the proposed law to the great dissatisfaction of the Senate, and Cicero then rising in his place delivered a fierce invective against Catilina and Antonius.

This oration was named "*Oratio in Toga Candida*," because it was delivered when Cicero was a candidate, and a few days before the election. Some fragments only are extant, those parts on which we have the commentary of Asconius, but we possess enough to enable us to judge of the rest. The orator affirms that on the night before this speech was made Catilina and Antonius, with the men who held the bribe money (*sequestres*), met at the house of a certain noble well known in matters of this kind. The remark of Asconius shows that Cicero did not name the man at whose house the two candidates met, for Asconius tells us or guesses that Cicero meant either C. Caesar or M. Crassus. In this oration Cicero enumerates the crimes with which Catilina was charged, and they are already well known; but he does not mention the murder of Catilina's son. He adds however one charge so scandalous, that, if it was not proved, and we cannot believe that it ever was, or if Cicero could not prove it, and from the nature of the case it was almost incapable of proof, instead of adding to the infamy of Catilina it covers the orator with everlasting shame. He says that Catilina was detected as an adulterer, and that he detected adulterers himself, thus making some wife of Catilina as bad as her husband; and he crowns the whole by affirming that Catilina committed adultery with a woman, who afterwards became

his mother-in-law by Catilina's marriage with the daughter who was the offspring of this intercourse. And this was said in the Roman Senate before the man himself and his associate Antonius. Asconius observes that Luceius, a friend of Cicero, made the same charges against Catilina in his speeches (the speeches made, we may suppose, when he afterwards prosecuted Catilina before Caesar); but the repetition of such charges does not strengthen the evidence, when there is none. The commentator adds with great simplicity that he had not yet discovered the names of these women. But scandal seldom fails to find names on which charges may be fixed, and the fact that Asconius could not even discover the names of the supposed adulterous mother, and of the daughter and incestuous wife, is a presumption that the charge is a malignant falsehood invented to damage a man whose character was already bad enough, but whose great crime now was his being a competitor of Cicero. Plutarch (Cicero, c. 10) reports that Catilina "laboured under the imputation of unlawful commerce with his virgin daughter," which is a different charge from that made by Cicero. It has been conjectured by a modern writer that this daughter and wife was the woman, whom Cicero in his first Catilinarian oration accuses Catilina of murdering; and it is further conjectured that she was not dead when this speech (*In Tog.*) was delivered, and the son not yet murdered, and the marriage with Orestilla not yet made, which said marriage, it is further supposed, supplied Catilina with money for the election in B.C. 63. So we have the monstrous conclusion that Cicero charged Catilina with having his own daughter as wife, the woman being at that time living in Rome; and when the woman was dead, he charged Catilina with murdering her: and all this has been invented in modern times, because in the fragments of the *Toga Candida* nothing is said of Catilina murdering his wife and son. If the complete speech did not contain this charge, which is made in the first Catilinarian oration, it proves that Cicero had grown bolder and at last was ready to use any means to ruin the character of his enemy.

Antonius is handled in this speech as roughly as Catilina, but the charges against him are limited to knavery, ingrati-

tude for what Cicero had done for him at his election as praetor, insolvency and the like. Probably Cicero did not forget to remind Antonius that he had been expelled from the Senate six years before. Catilina and Antonius replied on the spot to this abusive speech and in the same style; having nothing else to say, as we are told, they inveighed against Cicero's "novitas," against this upstart from Arpinum. There were however extant in the time of Asconius replies published in the names of Catilina and Antonius, but written by the enemies of Cicero; and it is perhaps better, adds the commentator, to know nothing about them, an opinion to which we cannot assent, for it is very material even for Cicero's character to know what his enemies could say in reply to such a speech.

It was a woman, Fulvia, who first talked of Catilina's designs, a woman of rank, the mistress of Q. Curius, one of those who had attended Catilina's great meeting, a foolish, weak-headed fellow whom the censors, probably in B.C. 70, at the time of the great purge, had expelled from the Senate for his scandalous life. His poverty now prevented him from being so liberal to Fulvia as he had been, and the woman of course was tired of him. All at once he began to entertain her with magnificent prospects, and if she did not comply with his wishes he threatened to kill her, and acted in a most extravagant way. The woman contrived to find out the cause of this strange behaviour, and made no secret of what she had heard, but still she did not publish the name of her informer. However the report spread all through Rome that terrible things would happen if Catilina and Antonius should be made consuls, and this circumstance, as it is said, helped Cicero (Sallust, Cat. c. 23), who was unanimously elected with Antonius as his colleague. Antonius had only the votes of a few more centuriae than Catilina, though he had in his favour the remembrance of his distinguished father the orator, who was murdered by order of Marius.

We cannot believe that a woman's talk of the danger which threatened the State contributed to the success of Cicero's election. Sallust does not speak of any inquiry being made about what Fulvia said or any attempt to learn

how she got her information. He says in another passage (Cat. c. 26) that Cicero from the beginning of his consulship offered large sums through Fulvia to Curius to betray the designs of Catilina, and thus Curius would be brought into direct communication with Cicero. Appian (B.C. ii. 3) also found in some of his authorities that after Cicero was elected consul, this foolish fellow Curius used to boast to his mistress that he would soon be a great man, and he told her all about the designs of the conspirators, which Fulvia reported to Cicero. The true state of the case may be that Curius talked to the woman of his prospects, and told her both truth and falsehood, and that Cicero really learned nothing from her. At least Cicero's own speeches prove that he knew very little of Catilina's designs.

Catilina was not deterred by his failure. He still hoped for the consulship and encouraged his partisans, but before the end of the year he was again brought to trial for old offences which seemed to be almost forgotten. Plutarch in his loose way (Cato, c. 17) has preserved a record of Cato in his quaestorship (B.C. 65) calling to account those who had received from Sulla head-money for the murder of proscribed persons; and he adds that these men after being compelled to refund were charged with murder, tried and punished. Undoubtedly the biographer found in his authorities some notice of proceedings against Sulla's bloodhounds, but he has told the story imperfectly. C. Caesar, who had been appointed this year president of the court which heard and determined cases of murder (*de sicariis quaestio*), allowed prosecutions to be commenced against those who during the proscription had received money from the treasury for the heads which they brought in, although such criminals had received indemnity under Sulla's laws.

Before Cicero's oration *In Toga Candida* was delivered, L. Luscius, a centurion in Sulla's time, who had acquired enormous wealth (vol. ii., p. 361), was tried and convicted of three murders committed during the proscription. Another man also was convicted, L. Bellienus, an uncle of Catilina, as Cicero says. This was the man who stabbed Lucretius Ofella (vol. ii., p. 367) at the bidding of the dictator Sulla. Catilina

was brought to trial after he had lost his election, and the prosecutor was L. Luceius, the historian and a friend of Cicero. Catilina was acquitted, as Dion says, but whether for want of evidence, or by the jury being bribed, or through the influence of the presiding judge, we cannot tell. The acquittal of Catilina does not prove his innocence; but when a man is acquitted of a charge, and that is all that we know, the acquittal is at least as strong a presumption of his innocence as the accusation is of his guilt. The fact that Caesar aided Catilina in his canvass for the consulship and presided at the trial in which he was acquitted is enough to furnish a modern writer with material for conjecture as to Caesar's political views and intrigues at this time.

On two subsequent occasions (Ad Att. i. 16; In Pis. c. 39) when Cicero is speaking of Catilina he affirms that he was acquitted twice; and twice in ordinary language means only twice. But if he was tried B.C. 64 before Caesar and acquitted, he was acquitted three times; the first on his trial for unlawful commerce with the Vestal (p. 226), the second on his trial *De Repetundis*, and the third on this occasion. Cicero himself (*Pro Sulla*, c. 29) alludes to a trial of Catilina, which followed his trial *De Repetundis*; and in the oration *In Toga Candida*, where he is speaking of Luscius being convicted of assassination committed in Sulla's time, Cicero alludes to the prospect of Catilina's trial before Caesar; and this is the most obvious interpretation of his words. It is therefore a mistake or it is false when Cicero says that Catilina was only acquitted twice.

If this explanation is not accepted there remains the hypothesis that the letter to Atticus (i. 2, p. 199) was written in January B.C. 64, that Cicero, when he speaks of defending Catilina, intended to defend him on the charge of murder, the murder among others of Cicero's townsman Marius Gracchianus, and that the prosecution was commenced and then dropped by general consent. Catilina was of course glad to be released, Caesar was afraid that something might come out against himself about the first conspiracy, and Cicero was delighted to be rid of his office as Catilina's defender. And all

this is invented² to maintain Cicero's assertion about Catilina's two acquittals, and it rests on the foundation that the letter to Atticus (i. 2) was written in B.C. 64. Cicero, who might with some show of decency have agreed to defend Catilina for plundering the Africans, is thus supposed to undertake to defend him on the charge of murdering M. Gratidianus; and even after the trial was dropped, he is supposed to be impudent enough to charge Catilina in the oration *In Toga Candida* with walking through the streets of Rome with the head of Marius Gratidianus in his hands. If all this were true, Cicero would be as bad as Catilina.

Cicero had been elected with one of the men for his colleague whom he had just abused before the Senate, but it was prudent to come to terms with him. According to a *Lex Sempronia* the Senate before the consular elections named the provinces which the consuls elected in each year should have on the expiration of their office, and the provinces appointed for Cicero and Antonius were Macedonia and Gallia Cisalpina. Cicero agreed that his colleague should have Macedonia, the more profitable province, for there was hope of gain and even of a triumph; and he afterwards gave up also Gallia Cisalpina. Cicero's motive, as he says, was to keep Antonius quiet, and of course to detach him from his ally Catilina. But this arrangement between Cicero and Antonius is the foundation for a suspicion that Cicero was to be indemnified in a sum of money by his colleague; and the evidence for this suspicion is Cicero himself. Antonius went to Macedonia in B.C. 62, where he got all the money that he could, and he gave it out that Cicero was to have some of it. The statement of such a man is not worth much, but Cicero's letter to Atticus (*Ad Attic.* i. 12), which he never expected to be published, shows that he knew there was such a report, and the way in which he writes about it is consistent with his guilt and inconsistent with his innocence. One Hilarus, a freedman of Cicero, was in Macedonia, as Cicero was told, and he was also told that Antonius said that Cicero was to have some of the plunder and had sent

² Hagen, *Catilina*, p. 112, &c.

Hilarus to look after his share. Though Cicero could hardly believe what he heard, he was a good deal troubled, and he says there had certainly been some talk to this effect. Valerius, an interpreter, was one of those who reported this talk, and his authority was Cn. Plancius. Atticus is earnestly requested to inquire into the matter. He is not asked to apply to Antonius or to Plancius, but to remove the scoundrel Hilarus out of those parts, if in any way he can. Cicero's letter begins with an allusion to some person under the feigned female name of Teucris, and Atticus of course knew who Teucris was, and we may guess. "That Teucris is a slow business," Cicero begins: Teucris would not come to a settlement. Teucris did nothing but make excuses: however, says Cicero, it may be that fortune will help us better, for it is announced that Cn. Pompeius intends to move that Antonius shall be superseded in his government, and the case is such that Cicero cannot honourably defend him, though, as we shall see, he did defend him. Cicero adds that he has no inclination to defend Antonius, because of something that has happened, and then he tells Atticus all that has been above stated about Hilarus and Antonius. It is quite plain, then, that Teucris is Antonius. In another letter it is said that Teucris was still slow, but there was hope, and Atticus (i. 13) is urged to bring the matter to a conclusion. Finally (Ad Attic. i. 14) Teucris paid in B.C. 61, and Cicero could not do less than defend Antonius when he was tried in B.C. 59.

But though Cicero agreed to give Macedonia to Antonius to keep him quiet, he took the precaution to watch him carefully during his consulship, and he managed this with the help of P. Sestius, who was attached to Antonius as quaestor, and went with him the next year to Macedonia. The quaestor played a double game: he watched his consul to see that he did no mischief and yet discharged his duty towards him at the same time. Antonius did nothing in his consulship, at least we do not hear of his doing any thing. But as his colleague affirms (*Pro Sestio*, c. 3), he did not in the midst of the general alarm and danger of that year even take the pains to remove by denial or to allay by dissimulation the fears of the citizens or the suspicions which some persons enter-

tained about him, which is a plain allusion to the connexion of Antonius with Catilina. But the conduct of Antonius may be explained by the supposition that he had nothing to deny; and as to the dissimulation, the only sense that we can put on the words of Cicero is that Antonius did not take any pains to conceal his intimacy with Catilina, which also may be used as evidence that he did not believe that Catilina, while he was in the city, had such designs as Cicero imputed to him. If Catilina had such designs, and Cicero, as he tells us in this same chapter, did his duty to the State while he showed indulgence to his colleague in bearing with him and moderating his conduct, we must understand him to mean that his colleague was not a stranger to the designs of the conspirators; and yet though the consul Antonius was so well watched, he was never directly charged by Cicero with being in the conspiracy, and, as we shall see, he was put at the head of the forces which were sent against Catilina after he had left the city. Dion (37, c. 30) asserts that Antonius was a conspirator; but what is there that he would not say of any man?

CHAPTER XIII.

CICERO AND THE AGRARIAN LAW.

B.C. 63.

CICERO was informed after his own election that the tribunes, who had been elected for B.C. 63, were preparing an Agrarian law, and he wished to know what it was (*De Lege Agraria*, ii. 5). He addressed the tribunes in a friendly way, and told them that if the bill or proposed law should appear to him to be advantageous to the people, he would support it in his consulship, but the tribunes would not let him know what their project was: they were sure that he never could be induced to consent to any grants of land. The tribunes continued, as he says, to hold secret meetings, to which some private persons were invited. On the tenth of December, B.C. 64, the usual day, the tribunes entered on their office, and P. Servilius Rullus who had the management of the bill made a long speech to the people, but out of so great an assembly there was not a single man who understood what he meant. A few somewhat sharper than the rest suspected that he intended to say something about an Agrarian law. However before the end of the year the law was promulgated, as the Romans termed it, or the text of the proposed measure was set up in public according to usage, and several clerks (*librarii*) were sent at the same time by Cicero to make a copy of it for him. On the first of January, B.C. 63, on which day Cicero began to discharge the functions of his high office, he made a speech in the Senate against the *Agraria Lex* of Rullus. A large part of the beginning of this speech is lost:

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the remainder is extant. The purpose of the law of Rullus is more fully explained in Cicero's second speech, which was addressed to the people.

From the speech before the Senate we learn that this *Agraria Lex* proposed that land should be bought for distribution among the people, and the bill provided for raising the money by the sale of public property; and it went so far as to propose the sale even of the most recent acquisitions, the possessions of King Mithridates in Paphlagonia, Pontus and Cappadocia (c. 2). This was rather extravagant, for these provinces were not yet settled, Mithridates was alive, and Pompeius was still at the head of his army in the East, and so Cicero could with some truth represent the crier and the spear, the sign of a Roman auction, as following the army of Pompeius and selling the land as soon as he got it. No place of sale was fixed: the ten commissioners, or Decemviri, as they were named, might sell in whatever place they liked. Thus they would be let loose among the people in foreign parts, with most extensive powers of declaring what was public land and putting it up to auction; and it was easy to see what abuses there might be. If Cicero tells the truth, the powers of the commissioners were almost unlimited and most dangerous.

The law, as he says (c. 4), provided that whatever money had come to any man's hands from booty made in war, from spoils, from crown gold, that is golden crowns sent by the provincials to victorious generals to be carried in triumph, and had not been laid out on any monument or brought into the treasury, should be paid to the commissioners. By this chapter of the law the commissioners would be empowered to inquire in a court of their own about claims against all commanders of Roman armies and their representatives (heredes); but they expected to get most out of Faustus Sulla (p. 141). The law also provided that for the future, whatever money any commander had in his possession, public money of course, must be immediately paid to the Decemviri. Pompeius however was excepted. He was still in the East, and would no doubt bring a large sum of money home: but the law placed at the disposal of the Decemviri all the newly-acquired

evenues of the Roman people, including those from the recent acquisitions of Pompeius.

With the money raised from all quarters the Decemviri were empowered by the bill (c. 5) to buy lands from those who were willing to sell; and any man of course would be willing to sell, if the commissioners would offer him enough. There were some whose title to their land came from Sulla, and as this was hardly a marketable title yet, the present possessors would be ready to sell that which they might possibly some day be deprived of. The father-in-law of Rullus for instance, Valgius who had become rich in Sulla's time, would have no objection to part with his estates. When the lands were bought, colonies would be sent to them, but Cicero complains that the places are not mentioned to which colonies would be sent; and Rullus and those contrivers of this scheme who were acting with him, he says, will be able to establish colonies in any part of Italy. In fact this power was expressly given to the Decemviri by a clause in the bill (c. 6). Cicero affects to find great danger in the intention of the Decemviri to settle a colony in Capua, which though a flourishing town had possessed no political existence since the time when it was so severely treated for having joined Hannibal (B.C. 211) after the battle of Cannae. He speaks as if the settlement of a colony in Capua and the consequent establishment of a form of town government would restore this old rival and threaten the supremacy of Rome. The bill of Rullus proposed to distribute among settlers the fertile territory of Campania, which had not been touched by the Agrarian laws of the Gracchi, nor by the tyranny of Sulla (c. 7). In this speech Cicero only discusses the political part of this question. He asks what security is there for liberty or for the State, if Rullus, and those who are feared much more than Rullus, should occupy Capua and the surrounding cities with all the needy and dissolute, with all their means, all their gold and all their silver. He tells the Senate that he will resolutely oppose this measure, and while he is consul, he will not allow men to bring forward plans which they have cherished against the interest of the State. Now the danger to Rome from such a settlement of Capua seems to us imaginary;

and it is inconsistent also to talk at the same time of the crowd of needy people who would be planted in the Capuan land, and of the amount of wealth that would accompany them; for the wealth would not be brought by the needy, nor is it said who would bring it. In this speech Cicero declares his intention not to take a province. He will stay at home to baffle the designs of wicked men.

The second attack on the measure of Rullus was made by Cicero in a speech before the popular assembly, and it was probably delivered soon after the first; certainly before the news of the death of Mithridates reached Rome (c. 19), or any thing was known of what Pompeius was doing in Syria and the bordering countries. Here we have a speech on an Agrarian law, a speech made by a Roman consul and before Roman citizens, and though it is the speech of an advocate on a matter of public policy and has the faults of an advocate's speech, it is instructive. It is not always so clear as we could wish it to be, but we must remember that Cicero spoke to gain a victory, and did not scruple to misrepresent, and he might also fairly suppose that some of his hearers would understand what those who would afterwards read the speech might find obscure. If the speech actually delivered was the same as that which Cicero wrote out and corrected, it might be supposed that a Roman popular assembly possessed a considerable amount of political knowledge, if they could follow the orator in his argument; and yet such a conclusion would be fallacious, for the number who can distinctly hear a man speaking in the open air is very small, and the orator's speech on such an occasion, if it is worth listening to, would be really directed to the few who could understand, and whose applause or assent would lead the rest.

The orator was proud of the honour which the popular vote had conferred on him, and he opens his speech with self-glorification (c. 1). Cicero's townsman C. Marius raised himself from a low estate to the consulate, and he was often re-elected because the safety of Italy was supposed to depend on his military skill. Cicero, the second consul from Arpinum, rose by talents of a different kind, but, according to Sallust, the nobility, who did not wish to see him elected, desisted

from their opposition because they thought that he was the best man for the occasion. It was now about thirty years since a "novus homo" C. Caelius Caldus was consul—in B.C. 94. It was Cicero's great boast that he was the only "novus homo" who was elected consul the first time that he was a candidate, and as soon as he could legally be a candidate, that is, at the age of forty-two complete: he had not the mortification of a failure, as others had (c. 2). At his election the people did not declare their wishes by the ballot, which "gives security to Liberty while her voice is silent," or as he expressed it in his oration for C. Cornelius (Orelli, p. 77), by "the ballot the foundation of perfect freedom;" but he was declared consul by universal acclamation. No doubt in the fulness of his vanity the new consul is not literally telling the truth. The shouts of the people, we may admit, assured him of success, and he soon obtained a majority of the tribes, which rendered further voting unnecessary. He had declared in the Senate on the first of January that he would be a "consul popularis," and he repeated this promise before the people; but as he said, the word "popularis" required explanation, and it will be useful to refer to what has been said before (vol. i., c. 20), that our word "popular" does not express the meaning. It was well known at Rome that a "popularis" was a man who was or affected to be on the side of the people as opposed to the Optimates or the oligarchy; but Cicero does not accept that sense of "popularis" in this speech, and he explains it in the sense which suited the occasion. After alluding to the uneasy state of affairs at the time of his election, and to the disturbed state of the commonwealth on the first of January, when he declared his intention in the Senate to be a "consul popularis," he now explains that he intends to be the guardian and protector of all the interests of the Roman people. Those men ought not to be considered "populares" who promise bounties to the people which would exhaust the treasury, and while they secretly entertain one design, hold out to the people the prospect of something else (c. 3, 4).

Cicero is not opposed to an Agrarian law simply as such (c. 5), for he has in his memory the legislation of Tiberius and

Caius Gracchus, two most illustrious men, and the most devoted friends of the Plebs, who settled the poor Romans on those public lands which were in the occupation (*possidebantur*) of private persons. Accordingly after his election when he heard that the tribunes for the next year were preparing an Agrarian law, Cicero professed his readiness to act with them, but his advances were rejected, as already explained.

Cicero solemnly affirms (c. 6), exactly as one of our parliamentary speakers might do and does on like occasions, that he began to read the bill of Rullus with the intention of supporting it, if he found it adapted to promote the interests of the people; but of course, after this prelude, he declares, as our modern speaker does after his preliminary flourish, that the bill is altogether a different thing from what he expected. He declares, and we cannot help thinking that his declaration is an exaggerated misrepresentation, that the object of the law from the first chapter to the last is nothing else than to appoint ten kings over the treasury, the revenues, the provinces, the whole commonwealth, over all kingdoms, and free peoples, finally ten masters of the whole world, under the pretence and the name of an Agrarian law. It was an Agrarian law which gave the Roman people nothing, and gave certain men every thing; held out to the Roman people a prospect of lands, and took away even their liberty; increased the wealth of individuals, and exhausted the State; and what was worst of all, the tribunes of the people, who were originally established to protect freedom, were the men who by the help of this law would set up kings in the State. After such a description of the proposed law we cannot expect a favourable report of the several provisions.

Cicero first objects (c. 7) to the unusual mode in which it was proposed to appoint the ten commissioners, who were to be elected by seventeen out of the thirty-five tribes, and of course a majority of nine tribes would name the commissioners. The second chapter of the law declared that the election should be made in the same way as the Pontifex Maximus was elected at the Comitia; which method of election was extended to other priestly offices by the law of

Cn. Domitius (vol. ii., p. 40). Cicero dwells a good deal on the election of the commissioners, evidently with the view of making the people dissatisfied with the new mode of appointment as an infringement of the popular rights, and also with the view of making them jealous of the nine tribes; for the commissioners, who should be elected, would be ready to acknowledge their obligations to a few active persons in these nine tribes, and would not trouble themselves about the other six-and-twenty (c. 8). Cicero also says that Rullus will procure his own election as a commissioner and the election of his colleagues, contrary to the *Leges Licinia* and *Aebutia* (vol. iii., p. 137): but this is probably only the orator's talk.

We now come to one of those passages (c. 9) which put modern writers on the search to hunt out what no antient writer has told us. Cicero says that the contrivers of all this scheme, for Rullus was only the tool of others, whose names however Cicero never mentions, saw that if the people were allowed to choose freely, there was one man whom they would elect; and we might have guessed his name, even if Cicero had omitted to name his illustrious friend Cn. Pompeius. But Pompeius was excluded by a clause which allowed no man to be a candidate, unless he personally gave in his name, though such a clause had never been inserted in any other law. Again Cicero speaks of Pompeius, as if there were no other honest man in Rome who would look after the public interests; and he tells the assembly, if they enact this law, that even the promoters of it see that the people may find it necessary to call in the aid of Pompeius against the Ten (c. 10). This is plain speaking.

Cicero proceeds to discuss the powers which were to be given to the Decemviri by a *Lex Curiata*, but whether he is wrong or right in his argument, is a matter of no interest to us, and it is not easy to determine. He affirms however that according to the law the Ten would be irregularly appointed, which only means that these commissioners would not be appointed in the same way as former commissioners of an Agrarian law. But the Ten would notwithstanding have the "*auspicia*," as the Romans named it, for founding colonies: they would even have "*pullarii*," those important religious

functionaries who kept fowls in cages, and on certain great occasions decided by the character of the birds' motions and the way in which they pecked their food whether the omens were good or bad¹. The office of the Ten was given for five years, but their powers would be so great that the authority could not be taken from them against their will. They would have an immense amount of patronage in the nomination of apparitors, clerks, copiers and account keepers, criers at auctions, architects and others (c. 11, 13).

Cicero affirms that under the law of Rullus the power of the commissioners will be absolutely unlimited, power to deal with the Roman possessions all over the world and without being called to account; to settle new colonies, restore old colonies, and to fill all Italy with their settlements; and finally to exercise absolute authority in all matters necessary for accomplishing the objects of the law (c. 14). As to the special powers given to the commissioners, they are authorized to sell every thing which by resolutions of the Senate in the consulship of M. Tullius Decula and Cn. Cornelius Dolabella (B.C. 81) or other resolutions subsequently made had been ordered to be sold. The law of Rullus refers generally, as Cicero says, to these *Senatus consulta*, but does not mention by name what may be thus sold; and for a good reason. These powers of sale include even public places in Rome, and sacred places where people could seek sanctuary. The powers include the range of Gaurus near Puteoli, famed for wine, the osier beds of Minturnae, and the valuable building ground along the bay of Naples named the Herculanean road, and many other pieces of land which the Senate ordered to be sold in order to replenish the empty treasury, but the consuls did not sell for fear of the unpopularity of the measure. But this is not all. The law (c. 15) empowers the commissioners to sell lands, plots of ground, buildings and any thing else; which Cicero affirms to be an authority to sell every thing out of Italy which had become public property in the consulship of L. Sulla and Q. Pompeius (B.C. 88) and

¹ Machiavelli has some remarks on this matter of the *pullarii* (*Discorsi* &c. i. 14).

since that time. Upon this the orator argues with manifest exaggeration that the Ten might sell all the province of Asia, which had been recovered to the republic since B.C. 88, for by the law the commissioners had power to declare what was public property. Certainly they could sell Bithynia and every thing in it, for King Nicomedes had left Bithynia to the Romans and they had taken possession of it. As to Egypt (c. 16), the orator will not say whether the Roman claim on that country is good or not: some say there is a will in favour of the Romans, made by a king, whom Cicero here names Alexas, though he was also named Alexander (p. 221): others say there is no will. But Cicero states there was extant a resolution of the Senate for taking possession of this inheritance, a resolution made at the time when after the death of Alexas the Romans sent to Tyre to carry off the money which had been placed there by him. Cicero also says, he remembers that L. Philippus (who may be the man who was consul in B.C. 91) often declared before the Senate that the present king of Egypt, Ptolemaeus named Auletes, was neither of the royal stock nor had he a royal disposition. This important question of the title to Egypt will be settled one way or the other by Rullus and his colleagues just as they shall think proper.

In another chapter (c. 18, 19) the Decemviri are not merely empowered; they are required to sell every thing which produced to the Roman state an annual income; even the recent acquisitions. And here Cicero asks the audience to excuse him if he again makes mention of Cn. Pompeius, whose honour is assailed. The orator defends his illustrious friend, whom nobody was attacking, just as a parliamentary speaker in modern times may pay his court to a crowned head, when he has an opportunity of recommending himself. "You, Romans, when I was praetor two years ago, and in this very place, laid upon me the duty of aiding you to defend by all the means in my power the honour of that illustrious man in his absence." He had done so; and he would expose the designs of those who wished to subvert the power and influence of Cn. Pompeius. Cicero first enumerates (c. 19) particular lands in Asia which might be sold under the law: the land acquired in

Lycia and Pamphylia by P. Servilius in his war against the pirates; the domain of the kings of Bithynia, which at this time were farmed by the Publicani; the domain of the kings of Pergamum in the Thracian Chersonesus; the domain of kings Philip and Perses in Macedonia, which brought in a great revenue to the Roman State; the rich lands of Corinth, and the domain of King Apion in Cyrene, a testamentary gift to the Roman people; lands in Spain near New Carthage, and the site of old Carthage itself. But the law includes even the royal domains of Mithridates in Paphlagonia, in Pontus, in Cappadocia, which the Ten may proceed to sell, before Cn. Pompeius, who according to antient usage has at present supreme authority in the matter, shall have declared his pleasure.

Here the orator ventures too far, for many of his hearers knew that a Roman general had not full power to settle the condition of a country which he had conquered; but the assertion would produce some effect, and Cicero (c. 20) amuses the audience by representing commissioner Rullus on his way to Pontus writing to Cn. Pompeius, of course omitting the title Magnus, a letter to this effect: "P. Servilius Rullus, tribune of the Plebs, commissioner, to Cn. Pompeius: It is my pleasure that you hold yourself ready to meet me at Sinope," &c. This was a good joke; to imagine the conqueror of Africa, of Spain and of the East, waiting on Commissioner Rullus to be present at the sale of the lands which he and his victorious men had taken. Or it is equally amusing to suppose, as the orator does, that Rullus will not condescend to order Pompeius to be present, but will proceed to sell without him. Cicero has a word too for the Asiatic army. Rullus and his friends think that the soldiers of Pompeius will give up all hope of being rewarded with lands or any thing else, when they see all power over these matters transferred to the commissioners. "I do not complain," says Cicero, "that there are men fools enough to hope for this, impudent enough to attempt it; but I do complain that they despise me so far as to select my consulship as the time for plotting such monstrous things."

Cicero has one objection to the law (c. 21) which is easily

answered. The commissioners are allowed to sell the foreign lands wherever they choose, though, as Cicero says, it is not legal to let the taxes any where except at Rome. In answer to Cicero's objection, we may ask how could lands in Asia, for instance, be sold except on the spot? There is a difference between selling lands in foreign parts and letting the taxes of foreign countries; for the Roman Publicani farmed the taxes, and the head-quarters of these companies were at Rome; but what Roman would buy at Rome land in remote parts, which he had never seen and could not use? The only chance of selling the foreign possessions of Rome was to sell them in the country, where purchasers might be found among capitalists and small cultivators, who would borrow in order to buy. Cicero's talk is as silly as the imaginary letter of Rullus.

The orator now (c. 22, 23) touches on a matter on which he had said something in the Senate, the clause which requires booty and the produce of booty to be brought in to the commissioners, but excepts Cn. Pompeius. He, who is almost by name excluded from a commissionership, whose authority in the conquered countries is superseded, he is the only man who is excepted from the operation of this part of the law. Is the exception made to do him honour or to make him unpopular? But Pompeius does not accept the honour; he will be treated like other generals. When these commissioners receive such extensive powers over kings, foreign nations and Roman commanders, we may rather conjecture that Pompeius is excepted, because they are afraid that he will not submit to be treated like others. "In fact Pompeius will submit to any thing that you Romans are satisfied with; and what you cannot endure, he will take care that you are not long compelled to bear."

When money has been gotten, and how much nobody can tell, the law requires it to be laid out in lands on which Roman citizens will be settled (c. 24). Cicero admits that it is an old usage for lands to be bought from private persons for this purpose, as well as for private persons to be turned out of public lands in order to make room for settlers (c. 25). "But where are these lands? Why don't you tell the people

what they are?"—Rullus is supposed to answer that all the lands which will be purchased for settlement are in Italy; as if it made no difference in what part of Italy.—"Well, but if you will not tell us where the lands are, let us see what kind of land it is."—"Land," says the law, "which is capable of cultivation:" it does not say "land which has been cultivated."—"Why," retorts Cicero, "you may scratch any land with the plough, let the soil be as poor as you please; there is no bit of stony ground on which a man may not expend his labour, if he likes."—"I cannot," says Rullus, "name the particular lands, because I shall not take any man's land without his consent."—This admission is also made an argument against Rullus, and Cicero concludes that land will be bought when it shall suit the interest both of buyer and seller. Now this is precisely the condition on which all fair bargains are made; but Cicero's insinuation is that as the buyer will purchase with public money, there will be jobbery and dishonesty.

The law further provides (c. 26) that those who are in possession of public lands shall not give them up without being indemnified. This was a most reasonable condition, but it does not satisfy Cicero, who remarks that in former times when an Agrarian law was talked of, those who were either in the occupation of public lands or had what he terms "odious possessions" were afraid, but now they will be delighted at the prospect of being well paid for giving up what they cannot keep. Here he disingenuously confounds two distinct things. There were public lands in the occupation of private persons, which had been occupied for generations; and there were large tracts which had been granted by Sulla or seized and occupied in his time, confiscated lands which ought to have been sold. Cicero purposely confounds two cases quite distinct. If the law gave the same indemnity in both cases, it was certainly unjust; and it may be true that Valgius, the father-in-law of Rullus, had immense tracts in his possession, and would be very glad to be rid of such an uncertain property at a good price. However if the law paid him a reasonable price for improvements, it would be for the interest of the State that Valgius should part with his land

and others should have it with a perfect title. Cicero says that there is also a great amount of land lying waste because it is sterile, and deserted because it is unhealthy; land such that the occupants must leave it, if they cannot sell it; and Cicero would persuade the Roman citizens that the Ten will buy this worthless land. We soon see why he makes such an impudent assertion. Rullus had said in the Senate, as Cicero affirms, "that the plebeians, the common sort in the city, were too powerful, had too much political power." Perhaps Rullus said something else: he might have said that they could not live; and he proposed emigration as a remedy, as we do sometimes in like cases when a district is overcrowded with poor. However, according to Cicero, Rullus a tribune complained of the political power of the plebeians: "These fellows ought to be pumped out, drained off," that was the expression of Rullus, as if he were speaking of a ship's bilge water, of stuff in a drain, of a cesspool, and not of a most valuable class of citizens. "But I," says Cicero (c. 27), "if you will listen to me, Romans, I advise you to hold fast to the influence which you possess; keep your liberty, keep your vote, stick to your honourable position, to the city, to the Forum, to the games, to your feast-days and all the other advantages which you enjoy, unless indeed you prefer to leave every thing here behind you, to quit the glorious sunlight of this commonwealth, and to follow Rullus who will plant you on the arid sands of Sipontum or in the pestilent swamps of Salapia²." Cicero continues in the same extravagant strain to speak of Rullus, after having raised so much by sales, laying out the money on barren lands and swamps. "It is strange too," he adds, but we may doubt if he tells the truth, "that every thing is to be sold by the terms of the law, before a single clod is bought."—If this were really true, no living man could expect to see any settlement of citizens on newly-purchased lands, for it would be impossible to find purchasers for all the possessions of the republic in any reasonable time. "If people should refuse to sell land, what is to be done with the money?"

² See what he says afterwards in a letter to Atticus (i. 19. 4) about the *Lex Flavia Agraria*.

Cicero asks. The law says that it is not to be paid into the treasury, and it declares that it shall not be demanded of the Ten. Therefore the Ten will keep the money, and the Roman citizens will not have the lands. Rullus replies or is supposed to reply: We shall offer enough to induce owners to sell. "Well then," retorts Cicero, "according to the law we shall sell our property at such price as we can, and buy other lands as dear as the owners choose." All we can safely conclude from Cicero's argument is that the law was badly drawn, that a clever advocate could easily point out the defects, and that we cannot learn from Cicero all the truth. His conclusion that the commissioners might under certain circumstances keep in their hands all the money which was raised by the sale of public property, is absolutely incredible.

The rich territory of Capua, the finest tract in the world, will be settled under this law (c. 28): five thousand colonists will be sent. "But do you suppose," the orator says to his hearers, "that honest, quiet men like yourselves will be sent? And if the commissioners take five thousand men ready for violence, crime and murder, and occupy a place which will be able to make war on Rome, will you allow this to be done in your name?" Here Cicero addresses the assembly as composed of honest, orderly persons, and yet he supposes that there is another class of a different character, who are not present, but who must have been living at Rome, for where else would such a dangerous class be found? This indeed is intelligible. In a large capital like Rome thousands of the poorest and of the worst class would not come to listen to such a speech as this, and if any of them did come, it would be only to make a disturbance.

Cicero says that the commissioners will take to the settlement of Capua their dependents, in whose name they can hold and enjoy allotments, for every settler will have ten "jugera" (about six acres and a third); but besides this, the commissioners will buy the allotments from needy persons, and ultimately get all the land into their own hands. "If you answer that the law forbids this, I admit that it is so," Cicero replies; "but there is the same prohibition in the Lex Cornelia of Sulla, which gave the confiscated lands of Praeneste to new settlers, and

yet these lands are now owned by very few persons." If the orator is telling the truth, he is only affirming what we might have guessed without his assistance, that many of those who received small allotments would sell them, either from necessity or because they preferred a lazy life in the large towns to the hard work of tilling the ground.

Rullus had said in the Senate (c. 29) that in selecting colonists for Capua, he would begin by taking them from the "Romulia tribus," the first of the Rustic tribes, but only the fifth of all the tribes in order, for the four Urban tribes came before it. Cicero of course objects to this arrangement, and at the same time tells the assembly that if this rich territory were distributed among all the tribes, so far from there being ten jugera apiece, there would not be even room enough for such a multitude to stand on the ground, if they were packed close together. "But even if you could get this Campanian land," he says, "would it not be better that it should remain public property, being a most secure and valuable source of income, the granary for your soldiers and the citizens of Rome? If it is distributed, who will get it (c. 30)? First, it will come into the hands of men ripe for revolution, ready when the signal is given by the commissioners to march against the citizens of Rome and massacre them." Cicero's prophecy was in a manner justified by the events of the year B.C. 44. Second, Cicero affirms that the whole Campanian territory will ultimately come into the hands of the rich, of course, by the settlers selling their allotments; and this also was a reasonable prediction, for such a population as, according to Cicero, would be planted on the Campanian land would make bad cultivators, and, as already observed, would be glad to get back to their old haunts in the large towns. Thus by the Agrarian law of Rullus the State would lose the rents derived from the public land in Campania; the settlers would get the land for nothing, as Cicero says; and a sure source of income to the State would be cut off; an income which had never failed, as that from the province Asia had failed for many years during the Mithridatic war, that from Spain during the time of Sertorius; and as to Sicily during the slave war, it was even necessary for M'Aquillius to supply

the cities with corn. Further, it could not be said of this proposal to grant the Campanian territory to settlers, as it had been said of other similar proposals, that the lands of Italy ought not to lie waste and uncultivated by free men. The last and strongest argument (c. 31) against granting the Campanian land to new settlers was this; the land was already occupied and cultivated by a laborious and industrious body of men, the lessees of the Roman State, good farmers and good soldiers, who under the law of Rullus would be driven out with their wives and children from the lands which their fathers had improved and where they were buried. So Cicero could justly say that a division of the Campanian land among colonists would be a disturbance and an expulsion of the plebeians, and not a settlement of them. Even if the new colonists cultivated the land as well as the old lessees, there would be no gain to the State, for a large number of honest and industrious cultivators would be turned out of their lands and homes; and where could these miserable families betake themselves, when they were ejected from the farms on which they were born and bred, and which they had made fertile by the labour of their hands? The law proposed to add to the Campanian land also the adjoining tract called Stellatis, in which the allotments would be twelve jugera; and under the powers given by the law the commissioners would be able to make settlements in whatever municipia (Italian towns) and old colonies they pleased, and thus they would place their garrisons, as Cicero calls them, in Cales, Teanum, Atella, Cumae, Neapolis, Pompeii and other towns of this rich country.

These are the chief provisions of the law as explained by Cicero, who sums up (c. 36) in one chapter all that he has said before, not forgetting to mention twice his friend Cn. Pompeius. Cicero has already alluded to persons who encouraged Rullus to propose this bill, but the names are not mentioned. Modern conjecture brings into the light these men who were working in the dark, and presents us with a view of intrigues which no antient writer has reported. As we continue our narrative and come to the events of B.C. 59, when C. Caesar was consul, it is possible that facts may

suggest some solution of the difficulties and perplexities raised by this proposed Agrarian law and by Cicero's partial and sometimes, as we may think, unfair view of it. But, if we can never discover more than he has told us, we have in this second oration a very instructive chapter on Roman history, from which we may learn more than from a volume of elaborate combinations and reflexions.

Cicero had ventured to meet the tribune in the popular assembly and resist his proposal. He was well received, though he was speaking against an Agrarian law, and better received, he says, than ever any man was who came there to recommend an Agrarian law. We conclude that Rullus made no answer to this speech, for when Cicero addressed the people again on this law, he said that the tribunes would have acted more properly if they had in his presence made the charge against him which they had made in his absence (c. 1). When he mounted the Rostra this second time, he saw that part of the assembly had not the same feeling towards him as on the former occasion; but in a few artful words he entreated those, who did not believe what the tribunes had said in his absence, to retain their good opinion of him; and he asked those whose sentiments had been slightly altered to give him their favourable attention for a short time, so that, if they should approve of what he was going to say, they might always think well of him, and if they should not approve, they might condemn him at once. The charge of his enemies was that he was opposing this Agrarian law and the interests of the people for the purpose of pleasing seven tyrants and the rest who held lands by grants from Sulla. These "seven tyrants" are some seven men who had got an enormous amount of land, and a learned commentator ventures to guess their names. "Those," says Cicero, "who believe this charge, must believe that the law of Rullus rescinds Sulla's grants and divides the lands among you; or at least that it takes some land from those who are in possession of public land in order that you may be settled on it;" but he will show that this is not so. There was one chapter in the law, the fortieth, which Cicero (c. 2) purposely had made no remarks on, that he might not, as he says, open old

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wounds, or raise fresh disputes at a most unseasonable time. The law of L. Valerius Flaccus (vol. ii., p. 364) which confirmed all Sulla's acts was most unjust, though excusable under the circumstances. But this law of Rullus was a great deal more scandalous, for it ratified the title to every thing that had been given, assigned, sold, granted in the name or on the behalf of the State since the consulship of C. Marius and Cn. Papirius Carbo (B.C. 82). But why does Rullus fix on the year of two consuls who were Sulla's greatest opponents? The reason is, he wished not to mention Sulla's name. "But every body knows," says Cicero, "that after these consuls Sulla was dictator, and that no one except Sulla made any grants since the consulship of Marius and Carbo; and all these grants of land made by Sulla are ratified by this law, and the title to the lands is declared to be equal to the very best title by which a man can hold an estate; nay, it is even a better title than a man may have to lands which his ancestors possessed. For lands are held by the best title (*optimo jure*) when they are held on the most favourable terms (*optima conditione*). Now lands free (*libera*) from servitudes are held on better terms than lands which are burdened with them (*serva*). Lands which are not hypothecated or mortgaged are held on better terms than lands that are mortgaged (*obligata*). Lands, in respect of which no payments are made (*immunia*), are held on better terms than lands which pay something." Accordingly by this chapter all mortgaged lands, if they were included in Sulla's grants, would be released from the claims of mortgagees; and as to payments to which lands may be liable, "I," says Cicero, "must pay the people of Tusculum for the use of the Aqua Crabra in respect of my land at Tusculum, because I bought it, while if the land had been granted to me by Sulla, I should not pay any thing under the law of Rullus." But this is clearly not the meaning of the law; and to use one of Cicero's own expressions, it is an impudent misrepresentation; for the words "*optimo jure*" meant that the title should be complete against the State, not that the land should be free from all burdens¹.

Again, the law of Rullus does more. It not only secures

¹ See Rudorff, *Zeitschrift für Geschichte. Rechtswissenschaft*, x. 57.

what has been granted, but also what has been "possessed" in the Roman sense; and here again Cicero attempts to mislead his hearers by some technical matters about the law of possession, which we may pass over (c. 3). But he affirms, and here we cannot contradict him, that much land had been confiscated, or in Roman language declared public by a law of Sulla, and had never yet been granted or sold, but it was occupied (possessed, in Roman language) by a few men most impudently. Here we have an example which assists us in forming a right conception of the nature of that possession of public land (vol. i., c. 11, 12), which had been a cause of political agitation from a very early date. Sulla turned men out of their houses and estates, and had so much land to give that he never found time to distribute all of it; or we may suppose that his soldiers got as much as they wanted, and there was still land to spare, which the wealthy Romans laid their hands on and occupied without any title. These lands, says Cicero, which Sulla never granted, Rullus will not give to you in allotments, but he secures them to those who hold them; and while he is selling your lands in Italy, Sicily, Africa, the two Spains, Macedonia, and Asia, he is surrendering your lands in Italy to those who are in possession of them without any title.

Cicero repeats that the law is intended to give power to a few, and to maintain Sulla's grants. It is therefore plain that the charge which the tribunes made against him in his absence is absurd; so absurd indeed that we might almost doubt if the charge was made exactly in the terms mentioned by Cicero. The orator has a few more words about Rullus' father-in-law (c. 3, 4), a very good kind of man, as it is said; but he has no time at present to speak of the goodness of the father-in-law; he has a little to say on the impudence of the son-in-law. "My father-in-law," says Rullus, "has some lands which are lying waste and far out of the way: he shall sell them under my law as dear as he pleases. He has lands which are insecure, which he occupies without any title: they shall be secured to him by the best title (*optimo jure*). He holds public land, the property of the State: I will convert it into private property. Finally, the farms which he has in the

territory of Casinum, most excellent and productive land, farms which he added one to another at the time when he was putting all his neighbours on the proscription lists, until out of many he had made one complete estate—all these farms which he now holds, not without some fear, he shall for the future enjoy without anxiety."

After Cicero has shown for what reasons and in the interest of what persons Rullus proposed his law, Rullus is asked to prove whether Cicero is protecting any "possessor" (any occupier of public land) when he is opposing this Agrarian law. "Yes," the orator replies, "there is a possessor whom I am protecting: I am defending the Roman people whose property Rullus intends to sell. Rullus intends also to settle in Capua men who are ready for violence, crime and murder: he is raising an army against you, against your liberty, against Cn. Pompeius. Capua is matched against Rome; the hands of most desperate men are armed against you; ten leaders are combining together against Pompeius. Let the tribunes come: let them argue this matter with me face to face, since they have summoned me on your demand to address you in this place."

The orator ends abruptly, as if he were ready to hear what his opponent had to say, but we do not know if Rullus attempted to answer this terrible talker. The first two speeches against Rullus are included in the list of Cicero's ten consular orations as he names them. He speaks also of two other short speeches on the Agrarian law, which appear to be this third oration and a fourth, which is not extant. He afterwards collected all these speeches and promised to send a copy to his friend Atticus (*Ad Attic.* ii. 1).

One of the tribunes L. Caecilius declared that he would put his veto on the bill of Rullus. C. Antonius the colleague of Cicero, according to Plutarch, was in favour of it and expected to be one of the ten commissioners, but he could hardly hold such an office with the consulship. However, as already stated, Cicero gained his colleague by giving him the province of Macedonia, and thus detached him both from Catilina and Rullus. The tribune, we must suppose, at last abandoned his bill, unless we conclude from Plutarch (*Cicero*, c. 12) that

it was rejected by the people; but the famed Campanian territory was in a few years distributed by a worthier hand, as Cicero said in B.C. 55 after Caesar in his consulship had alienated this valuable property of the State.

It was Cicero's policy to support the order of the Equites and to unite them to the Senate, and he had soon an opportunity of showing his influence. On some occasion the people received with hisses, as he entered the theatre, L. Roscius Otho, a tribune of the year 67, who had proposed the law which gave to the Equites fourteen rows of seats and thus separated them from the people. The Equites answered the hisses with loud applause; and hisses on one side and applause on the other filled the theatre. The story is, but it may not be exactly true as Plutarch tells it (Cic. c. 13), for he reports it as a proof of the power of eloquence, that hearing of this uproar Cicero summoned the people to the temple of Bellona; the people came, were rebuked and admonished by the consul, and returned to the theatre where they applauded Otho and vied with the Equites in showing their respect to him. Great indeed is the power of eloquence which can produce such rapid changes in men's minds. Cicero himself tells us that he did make a speech in his consulship in defence of Otho, and this may be the speech in which, as Macrobius reports (Sat. ii. 10), Cicero reproved the Romans for making a disturbance while the famous Roscius was acting.

In B.C. 100, in the sixth consulship of C. Marius, the tribune L. Appuleius Saturninus and others lost their lives in an insurrection (vol. ii., p. 117). On this occasion the Senate armed the consuls Marius and Flaccus with authority to suppress the civil war or the rebellion, and it was suppressed by force. The Senate only did what would be done in any modern State under similar circumstances: the law was suspended and arms were employed to enforce obedience to the sovereign power, as might be done by the proclamation of what is now sometimes called martial law. It would however be just and prudent after the quelling of an insurrection to inquire whether those who acted under the authority of the Senate had used more violence than was necessary, or whether

innocent persons had been put to death during the suspension of the law. We have no evidence of any inquiry being made after the death of Saturninus and his followers, but it is said that Scaeva a slave was rewarded with his liberty because he was the man who killed the turbulent tribune. In B.C. 63, six and thirty years after the death of Saturninus, T. Labienus, instigated by Caius Caesar, as it is said (Sueton. Caesar, c. 12), commenced a prosecution against C. Rabirius, now an aged man, who was accused of killing Saturninus, as Dion states it (Dion, 37, c. 26—28). Q. Labienus, an uncle of the prosecutor and a partisan of Saturninus, also lost his life in this disturbance; and the nephew may have made the death of his uncle a pretext for this attack on Rabirius. Dion Cassius has told the story of this prosecution very clearly and has explained the purpose of those who instituted it. The consuls had received from the Senate authority to suppress the insurrection of Saturninus; and this prosecution after a lapse of so many years, nominally directed against one out of many who obeyed the command of the Senate, was in fact an attack on the authority of the executive power to suspend the law when circumstances made it necessary, or, as Cicero expresses it (c. 1, 2) in his speech for Rabirius, the purpose of the prosecution was to destroy that ultimate appeal to arms under a commission from the Senate, by which tranquillity was restored and rebels were punished. Rabirius denied that Saturninus fell by his hand, and even if he did kill the tribune, Cicero maintained that he only did what others might have done with impunity. There was violent excitement about this prosecution: one side attempted to prevent a court being formed and the other to secure the trial of Rabirius. It was finally resolved to revive for this occasion the antiquated proceeding for the offence termed *Perduellio* (vol. ii., p. 425). *Perduellis*, a word formed from *Duellum*, an old equivalent of *Bellum*, was the antient name of "enemy" (Dig. 50, 16, 234), for which "*hostis*" was afterwards used; and then *Perduellis* obtained the limited signification of an enemy to the State or a traitor. In the Republican period the notion of the offence named *Perduellio* was somewhat modified, but all the acts which constituted

this offence implied some attack on the sovereignty of the State, which notion included attacks on the authority and dignity of magistratus, and especially the inviolable, or sacrosanct tribunes of the Plebs; and this was the offence imputed to Rabirius. The punishment was death; and the condemned criminal was hung on a tree or cross, thrown down the Tarpeian rock (Livy, vi. 20), or as in a case of conspiracy against the State, mentioned by Livy (x. 1), where the consuls formed the court, the criminals were flogged and then beheaded. (See also Livy, viii. 20.)

Duumviri Perduellionis were appointed by the praetor for the trial of Rabirius, but this was irregular, for they ought to have been appointed by the people. The two judges were C. Julius Caesar, who is charged with having instigated the prosecution, and L. Julius Caesar one of the consuls of B.C. 64. This court condemned Rabirius, that is, if we are truly informed, these two men illegally constituted as a court condemned a man on the charge of having killed a tribune, who, according to our information, had surrendered after a fight, had been placed as a prisoner in a building and was there with others savagely pelted to death with stones. After so many years the evidence of the manner in which Saturninus died must have been very defective, and even if Rabirius was one of those who made this attack on Saturninus after his surrender, we cannot believe that the fact could be proved. Rabirius appealed from the judgment of the court to the people assembled in the Comitia Centuriata, and Hortensius and Cicero the consul appeared for him. Hortensius spoke first. Only part of Cicero's speech for C. Rabirius is extant; but though the speech is not complete, it seems strange that critics should be able to raise a doubt about the judgment from which Rabirius appealed. Niebuhr thinks that Dion has misunderstood the trial of Rabirius; but Dion's statement is very plain and consistent. "Rabirius," he says, "appealed to the people, and he would have been condemned by them also, if Q. Metellus Celer, an augur and a praetor, had not prevented it by running up to the Janiculum before the assembly had come to a vote, and pulling down the military flag, which circumstance stopped the pro-

ceedings." The historian explains this matter about the flag in the following manner: In antient times many enemies dwelt near the city, and as the Romans feared that when they were assembled by their *centuriae*, the Janiculum might be occupied by an enemy and an attack made on the city, they established a rule that all the people should not vote at once, but that some men in arms should guard the Janiculum in turns. It was their practice to watch the place so long as the assembly was held, and when the magistrates were going to dissolve it, the flag was taken down and the guards came away; for it was not lawful to do any public business, if that place was not watched. This was done only in the case of the assemblies by *Centuriae*, because they were held outside the walls, and all who were under arms were required to meet together: and this is done, says Dion, even now for the sake of conformity to usage. (Comp. Laelius Felix apud Gellium, xv. 27.) So on this occasion the assembly was dissolved by the flag being taken down, and Rabirius was saved; for though Labienus might have brought him to trial again, he did not do so.

Cicero states in his oration for C. Rabirius that the prosecutor allowed him only half an hour for the defence (c. 2), and so we might conclude that in this kind of trial the prosecutor could limit the time; but it is hard to believe that such a rule prevailed in a trial which was so unusual, and we rather suppose, if the *Duumviri* were irregularly appointed, that this limitation of the defence was irregular also. Labienus, after the fashion of Roman prosecutors and advocates, had gone out of his way to urge against Rabirius matters unconnected with the charge on which he was tried, and Cicero has nothing to say on these irrelevant charges. Labienus also produced on the Rostra a bust of Saturninus for the purpose of exciting the people against Rabirius, and Cicero says he cannot imagine where he found it, for since Sextus Titius had been convicted and punished for having in his house a bust of Saturninus, no one had ventured to keep one in his possession (c. 9). The orator (c. 3) speaks of a penalty which Labienus proposed to the assembly (*mulctae irrogatio*), a proceeding in the nature of a bill of pains and penalties; but if Rabirius appealed to

the people against the sentence of the Duumviri in the trial for *Perduellio*, the bill of pains and penalties must have been a distinct thing from the appeal, and this bill might have been proposed after the voting on the appeal was stopped by the flag being taken down on the Janiculum. But the extant speech of Cicero can only be understood by reading it as a defence of Rabirius against the charge of killing Saturninus, and as a protest against the sentence of the Duumviri being confirmed by the assembly; and he speaks of the cross being fixed in the Campus Martius (c. 10) as the punishment which Labienus had designed for Rabirius. But there are other passages of the oration from which we might infer that the punishment of Rabirius would be exile. In fact the orator has enveloped the matter in a cloud of words, with the view probably of moving the affections of the people or deceiving them, for we cannot suppose that Rabirius was in danger of losing his life by the sentence of the Duumviri at a time when the punishment of death was in fact abolished. This oration is indeed a feeble production, if we view it as an answer to a charge of murder, supported by evidence; but we may assume that the evidence was very weak, and Cicero might simply have rested his case on the absence of proof, if he had not been addressing a popular assembly, who neither knew what evidence was, nor cared for it. Hortensius, he says, had proved by the testimony of many witnesses that this charge was false; which can only mean that Hortensius proved that some other person had killed Saturninus, or that Rabirius was not among those who killed the tribune. But Cicero was bolder than Hortensius: he would admit that Rabirius killed Saturninus, if he were at liberty to admit what had been disproved; but as he cannot admit that, he will admit that Rabirius took up arms for the purpose of killing Saturninus, and the intention to kill was equivalent to the fact.

Rabirius therefore may be supposed to have killed Saturninus, and Cicero's answer is that the Senate empowered the consuls to defend the State, and that the consuls called on all the citizens to protect the commonwealth and furnished them with arms to put down the rising. Every man therefore who

bore arms on this occasion even with the intention of killing Saturninus was justified, for the Senate gave the order to check the insurrection by force. But Labienus had said that Saturninus surrendered on a promise that his life would be spared, or at least that he should be protected against the violence of those who were in arms against him, for we do not know exactly on what terms he surrendered, and perhaps no one else knew at the time of the trial. Cicero replies (c. 10), that if this promise was given, it was Marius who gave it, and not Rabirius; and that it was Marius who broke the promise, if it was not kept; and further, such a promise could not be given without the consent of the Senate. He says that Labienus wished to punish Rabirius for taking up arms, and if this was so, the answer to Labienus was that Rabirius and others acted under the authority of the Senate, and they were justified in killing Saturninus if he resisted them. If the charge was that Rabirius was one of those who killed Saturninus and others after the surrender, that is a different thing; but we cannot collect from Cicero's speech that this was the charge, nor does he inform us whether the story of Saturninus' death, as we have it, is true or false. We may certainly assume that after so long an interval of time it was impossible to produce satisfactory evidence of the manner of Saturninus' death. The fact that he did lose his life was certain, but as far as Cicero's oration shows, that is all that we know, and therefore with such knowledge as we possess of the circumstances we may say that Rabirius ought to have been acquitted. The state of the case is briefly this: the Senate was justified in resisting Saturninus by force; all persons were justified who took up arms in obedience to the order of the Senate; but all persons were guilty of murder who assisted in killing the insurgents, if such was the case, after they were securely lodged in a building by Marius. The consul had got possession of the chief rebels, the purpose of the appeal to arms was accomplished, and Saturninus and his fellow-prisoners could not be punished except according to the regular forms of law.

C. Calpurnius Piso, consul B.C. 67, was in B.C. 66, 65, the governor of the Transalpine province of Gallia (Dion, 36,

c. 20), where he checked some attempt at a rising among the Allobroges. In B.C. 63 Piso being tried for the offence of *Repetundae* was also charged with illegal treatment of some inhabitant of Italy north of the Po, which country however does not appear to have been within the limits of Piso's government, as it might be concluded from the terms in which Cicero spoke of his intention to visit Piso in B.C. 65 (*Ad. Att.* i. 1, 2). Caesar had made himself a patron of the Transpadani, and we collect from Sallust (*Cat.* c. 49) that he was active in promoting this prosecution. Again Caesar's attempt was foiled by Cicero, who defended Piso, and he was acquitted.

A higher object of ambition was now presented to Caesar. The Pontifex Maximus Q. Metellus Pius consul in B.C. 80 died, and the choice of a successor was of course a party question. Caesar had been a Pontifex since the year B.C. 74, and he now became a candidate for the highest ecclesiastical dignity in the Roman State, an office which was held for life, and gave the possessor the opportunity of using the powerful instrument of religion for political purposes. Dion reports (37, c. 37) that Labienus, Caesar's tool, proposed to the people a bill, by which "the election of the priests" was restored to the people, and in fact the law of Cn. Domitius was revived. (Vol. ii., pp. 40, and 418.) The historian does not say whether the bill was proposed before the death of Metellus or after, but we can hardly suppose that a measure evidently intended to secure the election of the popular favourite was passed after the death of Metellus.

Caesar's competitors were Q. Lutatius Catulus, consul B.C. 78, now one of the principal members of the Senate, and P. Servilius Isauricus, the conqueror of the pirates. Catulus, who was afraid that he might be defeated by a candidate much younger than himself and hitherto without any distinction, knew that Caesar was in debt, and he offered him money if he would retire from the contest, but all that Catulus got by this foolish offer was an answer that Caesar would not desist, even if he had to borrow much more, for though Caesar had long courted the people, he did not expect to be elected without paying for their votes. (*Plut. Caesar*,

c. 7). On the day of election Caesar's mother with tears accompanied him to the door, where he embraced her and said, "Mother, to-day you will either see your son Pontifex Maximus or an exile," by which we may suppose that he meant to say that he was too deeply involved in debt to stay in Rome after a defeat, which would indicate that he could not rely on the popular vote for his future advancement. Caesar was elected, and from this time he lived in the official residence in the Sacra Via.

At the Comitia Caesar was elected a praetor, and the way to the consulship was now open. Some time in this year and before the return of Cn. Pompeius, on the proposal of the tribunes T. Ampius and T. Labienus, it was enacted that Cn. Pompeius should be allowed to wear a crown of bay and the triumphal dress at the Ludi Circenses or games in the Circus; and in the theatre, the praetexta and the crown of bay. (Vell. ii. 40.) We might conjecture from the fact of Labienus being one of the proposers of this bill, that Caesar was in favour of it or indeed the prime mover of the measure, and we have Dion's authority (37, c. 21) for affirming that it was so, and that the bill was opposed by M. Porcius Cato.

The consul Cicero was now on the side of the aristocratic party and a defender of the constitution as established by Sulla. He probably saw or supposed that he saw what would be the consequences if all Sulla's work were undone, and if the power fell into the hands of the party which the dictator had persecuted and attempted to destroy. But it should not be forgotten that before Cicero was consul, when he was writing those speeches against Verres which were never delivered, he said of Sulla's acts, "We not only maintain all that he did, but for fear of greater inconveniences and calamities we even defend it." After a violent revolution it is unsafe and indeed impossible to restore the former state of things, and it was on these grounds that Cicero resisted the proposal of some tribune to restore their civil rights to the sons of those who had been proscribed by Sulla in B.C. 81 (vol. ii. 359). A Lex Cornelia had declared that the property of the proscribed should be sold and that their children

should not only lose their patrimony, but should be excluded from the offices of the State. Many persons who were thus reduced to beggary would not be willing or able to seek the honours of the State; but even those who might have received assistance from friends or relatives and had accumulated property were forbidden to ask for the votes of their fellow-citizens.

This disability was contrary to a fundamental principle of Roman law, which attached the penalty of infamy only to the person who was guilty of the infamous act; and it was a long time before it was declared that the sons of traitors were infamous (L. 5, § 1. C. Ad Legem Jul. Majestatis [9. 8]). Cicero in B.C. 80 had defended Sext. Roscius of Ameria, whose father was murdered in the times of the proscription, from the abominable charge of parricide (vol. ii., p. 382), which was fabricated by the enemies of the father who had seized his property. While he entreated the jury to save this unfortunate young man, he urged them to redeem the Romans from the imputation of cruelty. Roscius was one of those who would be relieved by the proposed law, for the name of his father had been put on the proscription lists, though he was in fact a partisan of Sulla; and it is likely that many others lost their lives and properties in those terrible times in the same way through private enmity. We are naturally curious to know on what grounds Cicero refused to do an act of justice, and though the oration is lost which he delivered against the tribune's bill, we know something of the reasons which he urged (Quintil. Inst. xi. 1, § 85). He admitted that it was cruel to exclude from public offices men who were of honourable parentage and ancestry, but he maintained that the existence of the State depended on supporting Sulla's legislation. Cicero had seen the tribunician power, the great means of agitation which Sulla attempted to make harmless, restored by Cn. Pompeius, and he did not approve of his great friend's conduct in this matter; but now he argued as if a manifest act of justice could be dangerous to Sulla's settlement, which in fact was nearly overthrown. Some time afterwards (in Pis. c. 2) he spoke of the sons of the proscribed as honest and honourable young men, but,

he said, they had suffered in such a way that if they should attain the high offices of the State, it might be feared they would disturb the commonwealth, and for this reason, though he made himself enemies by it, he successfully used all his influence to resist the proposal to remove their disabilities. Pliny (H. N. vii., c. 30) in a rapture of panegyric on Cicero says that the consul's eloquence made these honest and honourable young men ashamed of pressing their demands. But if there was danger in giving these unfortunate persons that which they justly asked for, there was danger also in refusing it, and Cicero knew that these were the men on whom among others Catilina relied for the accomplishment of his revolutionary designs.

The speech in which Cicero resisted this just proposal is mentioned by him as one of his consular orations, which he published, and it is the fifth in the order of time. The sixth oration was an address to the people, in which, conformably to the intention expressed in the Senate on the first of January, he gave up the province Gallia to which he was entitled the year after his consulship (p. 238). Q. Metellus Celer had this province in B.C. 62 with the title of proconsul. Cicero had made up his mind not to leave Rome for a provincial administration, and he tells us afterwards that he was well pleased with his determination.

One of the acts of Cicero's consulship which does him credit is the limitation of the time of the "*legationes liberae*" as the Romans termed them. It had become a fashion for senators, who wished to go abroad on their own business, to obtain from the Senate a nominal commission under the name of "*legatio libera*," perhaps so called because he who received this commission had all the advantages of a man who was sent abroad on the public service and none of the trouble. The person who received this free commission was entitled to make certain demands on the provincials for his expenses, and to put them to cost in various ways, and we may assume that a Roman senator would generally not fail to get out of the people all that he could. "Nothing," says Cicero, "is more scandalous than for a man to receive the commission of a '*legatus*' except when he is sent on the public service."

I say nothing," he continues, "of the way in which men behave and have behaved, who make use of this nominal commission for the purpose of looking after successions to which they are entitled and money obligations; but I ask what is more scandalous than for a senator to hold such a commission when he has no instructions to obey, and no public duty to discharge." Cicero with the consent of a full Senate would have put an end altogether to this abuse, if some tribune had not interposed. However he succeeded in limiting to one year the duration of these nominal commissions which hitherto had been unlimited in point of time (De Legg. iii. 8).

CHAPTER XIV.

CATILINA.

B.C. 63.

THE election of Cicero had disconcerted the plans of the conspirators, but it only increased the resentment of Catilina, and urged him to greater activity (Sall. Cat. 24). The historian, who however does not pay much attention to chronology, affirms that Catilina now began to form dépôts of arms in various parts of Italy, and sent money, which he borrowed on his own credit, or that of his friends, to Faesulae (Fiesole) in Etruria, one of the places where Sulla had settled his soldiers. Catilina was always spending, his associates were steeped in poverty as Sallust has told us, and yet he and they could still borrow money. This money was intrusted to C. Manlius, who resided at Faesulae and once served as a centurion under Sulla (Dion, 37, c. 30). Manlius was a man of great expense, he wanted money, he was ready for any enterprise which gave a hope of profit, and at the close of the year it was he who began the war. Catilina also increased the number of his partisans among whom were some women, who had once gained large sums by prostitution, and now when increasing age had diminished their gains, but not their taste for luxurious living, they were deeply in debt. It is said that Catilina thought he could make these women useful in stirring the city slaves to insurrection, and in setting fire to Rome, and that by their help he could either gain over their husbands or kill them. Such a report given on the authority of a Roman writer, who was living at the time, cannot be omitted, though it bears on it the marks of idle

rumour and even of falsehood; but how are we to write a history of this memorable attempt at revolution, if we cannot believe the statements of a contemporary? ¶ Appian (B.C. ii. 2), though a compiler of a late age, has more sober judgment than Sallust, and he briefly reports that there were many women in Rome, who hoped to get rid of their husbands in the insurrection which Catilina was plotting, and that he received large sums of money from them. Sallust has preserved the name of one of these abandoned women, Sempronia, the wife of Brutus, supposed to be D. Junius Brutus, consul B.C. 77. This woman was of high family, she possessed beauty, and was fortunate in her husband and children. She was well acquainted with Greek and Roman literature, could play on stringed instruments and dance better than became an honest woman. But she cared not for decency and chastity, and it was difficult to say whether she threw away her money or her good name with more indifference: she sought her lovers if they did not come to her. She had often broken her engagements, on oath denied her debts, been privy to murder, and through her love of extravagant living and want of money she had become desperate. Yet her talent was not mean: she could write verses, she was witty, and her style of conversation was by turns modest, voluptuous and even lewd. Altogether she possessed much agreeable humour and pleasing manners. Such is the picture of a Roman matron which Sallust has presented to us, apparently to show what he could do in the way of painting; but Sempronia is only named once more in the history (Cat. c. 40) on a particular occasion, and so far as Sallust shows, her connexion with the conspiracy did not extend beyond sitting for this portrait. The stories of her broken engagements and denial of her debts on oath are almost inconsistent with the condition of a married woman at Rome; and how could she do all this, and even be privy to murder, without her husband knowing as much as Sallust knew? And if Brutus did know what Sallust reports, he had at his command the ready Roman method of getting rid of his wife by putting her away; and it would be strange if he did not use his power. All that we can reasonably conclude from the antient

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authorities is that there were female as well as male adventurers, whose fortunes were desperate, and who were ready to embark in the perilous hazards of revolution.

But though Catilina was preparing for an insurrection, he still wished to attain the great object of his ambition, and he was again a candidate for the consulship in B.C. 63. His competitors were D. Junius Silanus, L. Licinius Murena, and the great lawyer and friend of Cicero, Servius Sulpicius. Silanus and Murena were charged with buying votes, and Sulpicius, who knew what they were doing, called for severer penalties against bribery. Accordingly a new law on *Ambitus* or bribery was proposed by the consul M. Tullius Cicero, and the Lex was named Tullia, as usual after the name of the proposer. Cicero informs us (*Pro Murena*, c. 23) that Sulpicius recommended as one means of preventing bribery, the "*confusio suffragiorum*," which probably means that the people should vote together without any distinction of class or century; that all the votes should be mixed, and that by simply counting them it should be ascertained what candidate was elected. The result of this would be, as it was supposed, the destruction of bribery, for the votes of the several *centuriae* would not appear, and as the people voted by ballot, and the money was not generally paid until the election was over, no *centuria* could claim any thing for its services. This proposal was also disagreeable to the leading men in the Italian towns, for it was well known under the existing system how their votes were given, and if a consul, who was elected, had received the vote of any particular town, this lucky event gave importance and influence to the chief persons there. But such a "confusion" as Servius proposed confounded all the votes in one grand numerical result. Against this explanation of the meaning of the "*confusio suffragiorum*," it has been urged that this method of voting would have required much time, and that the same end would be attained if the centuries did not vote in the order of the classes, but according to an order determined by lot, and the election would be ended as soon as a majority was made. This has been supposed to be the plan of the younger Gracchus (*Drumann, Geschichte Roms*, v.,

p. 447. See vol. ii., p. 416 of this work; and vol. i., p. 264).

Upon the proposal of Cicero a *senatus consultum* was made for the purpose of explaining the *Lex Calpurnia*, but this resolution of the Senate was certainly irregular, and it could have only prepared the way for the new enactment on bribery. This *Lex Tullia* forbade the hiring of persons to wait on and attend candidates; and it seems also, if we rightly understand Cicero, that the law fixed a penalty on the receiver of a bribe; and if this was so, it also appears that it was the first time that the receiver was punished, for such a clause is not known to have been in any former law. Some critics conjecture that Cicero may mean only the "*divisores*" or men who distributed the bribe money; but Cicero's words are general (*poena gravior in plebem*). Candidates were not allowed to assign places at the fights of gladiators to the members of the several tribes, nor to treat people with eating and drinking (*Pro Murena*, c. 32). It was also forbidden to give shows of gladiators within two years before the time when a man was a candidate, unless this pious duty was imposed by a testament, which also fixed the day (*Pro Sest.*, c. 64; *In Vat.*, c. 15). As to procedure in a trial for bribery, the law declared, if we understand Cicero right, that sickness was no legal excuse if a man did not appear in court when he was charged with bribery; and it has been inferred from what Cicero says that if the accused did not appear, he would be condemned; a conclusion which is most absurd and indeed inconsistent with the plainest notion of justice, if the accused was really sick and unable to appear. There was, Cicero says, some penalty if the excuse of sickness was made, but it is impossible to conclude from his words what it was. If a man was convicted under the *Lex Tullia*, in addition to the penalties of the *Lex Calpurnia*, he was exiled for ten years (*Dion Cassius*, 37, c. 29; *Pro Murena*, c. 41).

The new law was probably directed against Catilina, if we can suppose that this man, who is always represented as loaded with debt, had still the means of buying votes; but one at least of the other candidates was supposed to be bribing the electors. The men from Etruria with Manlius

for their leader had now come to Rome to aid Catilina with their votes, and it was reported that Catilina intended to kill Cicero at the election. The information was true, says Plutarch (Cic. 14), but not sufficient to convict a man like Catilina. Upon this, he says, Cicero deferred the election, which must mean that the Senate deferred it on Cicero's proposal; but we are not informed what day had been originally fixed for the election nor to what day it was deferred.

While Sulpicius was busy with collecting evidence against his competitors and neglecting his own canvass, Catilina was actively employed in looking after his election. He went about attended by a number of young men, guarded by assassins, as Cicero says, and trusting in the soldiers that he would have at his command and in the promises of the consul Antonius. He had about him a crowd of the settlers from Arretium and Faesulae. There were among the men from Etruria some of those who had lost their property through Sulla's violence; probably also many of those whose claim for a restoration of their civil rights Cicero had resisted.

Catilina was still in the habit of coming to the meetings of the Senate. On one occasion when Cato threatened him with a prosecution, Catilina answered, as Cicero reports, "that if a conflagration was lighted up against his fortunes, he would not extinguish it by water but by making a ruin." The words are Cicero's (*Pro Murena*, c. 25), and though the expression is very strained, we know what it means. Sallust (*Cat.* 31) makes Catilina give this reply to Cicero at a later meeting of the Senate in November. Cicero no doubt knew when the words were said, but as he is very careless about facts, and as he may also have had some reason in his speech in defence of Murena for assigning these words of defiance to another occasion, we cannot certainly conclude that the historian is mistaken. A few days later Cicero addressed the Senate on the dangerous state of affairs, and on his motion it was resolved that the Comitia should not be held on the following day, but that the Senate should deliberate on what the consul had reported (*Pro Murena*, c. 25). Catilina was present and Cicero challenged him to answer

what he was charged with. Catilina did not attempt to clear himself of suspicion, but he said that there were two bodies in the State, one weak and with a weak head; the other body was strong, and without a head, but so long as he lived this body should not want a head, if it showed that it deserved one. Plutarch in his life of Cicero (c. 14) has given a different version of Catilina's words, but Cicero tells us himself what was said, and his version is clearly the meaning of Catilina. The party of which Cicero was the head was weak, and the head was weak too: the body of which Catilina was ready to be the head was the people.

Catilina's words were heard with indignation by a crowded Senate, but yet no resolution was taken such as the occasion required, partly because some of the senators had no apprehension of any danger, and partly because some of them were afraid. "The conspirator had defied the Senate and he left the house exulting and triumphant, he who ought never to have been allowed to quit the place alive." These are the words of Cicero in his speech for Murena, and we might fairly infer from them that the Senate passed no resolution at all; and Plutarch, who reports the same scene, and places it before the consular election of B.C. 63, also says nothing of any decree of the Senate on that occasion. But we learn from Cicero's first extant speech against Catilina, delivered on the eighth of the following November, that it was then the twentieth day since the Senate gave the consuls the commission which armed them with absolute power for the protection of the State. In such expressions as these, in which ordinal numbers are used, the Romans were not consistent. Sometimes they included the first number of the ordinal series in the reckoning and sometimes not; and Cicero's twentieth day may designate the twentieth of October. But Asconius (In Pis., p. 6) says that Cicero was speaking in round numbers, and that it was the eighteenth day since the consuls received their commission; which, if we follow the same mode of reckoning, will fix the day on the twenty-second of October; or if we follow the other reckoning, on the twenty-first of October. We must therefore assume that the scene in the Senate, which Cicero describes

(*Pro Murena*, c. 25), was earlier than one of these dates; but there is no reason for placing it so much as three months earlier, as one writer does¹. The form of the commission was that the consuls must take care that the State sustains no injury. "This authority," says Sallust (*Cat.* 29), "is the largest which Roman usage allows to be conferred by the Senate on a magistrate: it is an authority to raise an army, to make war, to use all means for keeping in obedience the allies of Rome and the citizens; it is an authority to exercise supreme power both in the city and abroad." Our authorities do not enable us to determine the day on which the election for consuls was held this year. The day, as we have seen, had been deferred, but we cannot tell whether the consuls received their extraordinary commission before or after the election. Perhaps we may infer from the circumstances that it was before the election; for on the day of election Catilina with his followers armed was present in the Field of Mars, and Cicero was there too with a coat of mail showing under his dress, and protected by a body of resolute young men. If Catilina and his partisans, as it is alleged, intended to kill Cicero and carry the election by force, they were deterred by the bold front which the consul presented. Silanus and Murena were elected, and Catilina's hope of attaining the great object of his ambition was destroyed. Whatever revolutionary designs Catilina cherished, he had hitherto designed to accomplish them by exercising the consular power, but he was now driven to the desperate extremity of open rebellion to save himself. His two unsuccessful elections had proved that neither money nor favour could give him a majority of the Roman voters, and, with the exception of a few partisans, that both nobles and people were against him.

Manlius was now sent to Faesulae and to the parts of Etruria near that place; a man of Camerinum named Septimius was despatched by Catilina to Picenum (the *Marca d'Ancona*), and one C. Julius into Apulia (*Sall. Cat.* 27, &c.). Others were sent off to other parts of Italy for the purpose of

¹ Hagen, *Catilina*, p. 181. It seems impossible to fix the date of the events described in Cicero, *Pro Murena*, c. 25.

stirring up rebellion. Manlius began to rouse the poorer sort in Etruria, men steeped in poverty and smarting from the wrongs inflicted by Sulla, who had taken from them their lands. These unfortunate people were ready to join those who had seized their property and spent it. The revolution of Sulla had thrown every thing into confusion in these parts of Italy, and poverty and idleness had driven many men to turn brigands, who were now glad to join the insurgents.

Some time about the end of October or the beginning of November L. Saenius a senator read in the Senate a letter which, as he said, he had received from Faesulae. The letter announced that Manlius with a large force had taken up arms on the twenty-seventh of October. There were reports also that the slaves were rising in Capua and Apulia. Cicero affirms (In Cat. i. 3) that he declared in the Senate on the twenty-first of October that Manlius would be in arms on the twenty-seventh of that month; and the letter which Saenius read announced the fact as Cicero says he had foretold. If Cicero did make this declaration, it might have induced the Senate to give the consuls their extraordinary commission; and so we might take it as confirming the date of the twenty-first of October. Cicero further charges Catilina with a design to massacre some of the Optimates on the twenty-eighth of October. After hearing the letter read by Saenius the Senate acted with promptitude. Q. Marcius Rex, consul B.C. 68 and afterwards proconsul of Cilicia, was sent forward to Faesulae, and Q. Metellus Creticus into Apulia. Metellus was consul in B.C. 69, and afterwards conducted the war in Crete for three years. Both of these commanders were waiting outside the walls of Rome according to custom, for the decision of the Senate about their claims to a triumph, which had hitherto been refused through the intrigues of Cn. Pompeius and some of his partisans, for Marcius by the Manilian law had given up his troops to Pompeius, and Metellus, it was maintained, was only the legatus of Pompeius in the Cretan war (p. 128).

The praetor Q. Pompeius Rufus was sent to Capua and the praetor Q. Metellus Celer into Picenum with instructions to raise such force as circumstances might require. In the

province of Transalpine Gallia, where L. Murena was governor in B.C. 64, he had left his brother Caius to look after the country (Cic. Pro Murena, c. 41²). It does not appear that there was any army in Italy, for all the force of the Republic was in the East under Pompeius and in the provinces, and it was therefore necessary to raise fresh troops. The Senate offered rewards to those who should give information about the conspiracy,—to a slave his freedom and one hundred thousand sestertii, to a free man pardon if he was implicated, and two hundred thousand sestertii. The Senate also resolved that the gladiators who were in the city should be distributed between Capua and other Italian towns, according to their means for receiving them. These gladiators appear to be the gladiators who were in Rome, but the purpose of sending some of them to Capua is not clear, when we have been informed that there was danger of a servile insurrection in this city. Catilina thought that he could surely rely on the gladiators, though, as Cicero told the people in his second Catilinarian oration (c. 12), these men were better disposed than some of the patricians. Cicero's friend, the Quaestor P. Sestius, was also sent with a force to Capua to act as it appears independently of Rufus. He found there one C. Mevulanus, a tribune in the troops of the consul Antonius, and quickly turned him out of the town on the ground that he had been agitating on behalf of the conspirators in the Italian Gallic territory (*Gallicus ager*) and at Pisaurum. This statement which we derive from Cicero only is very singular: a tribune under the orders of Antonius, a soldier charged with being a traitor, is found in Capua, and Sestius, the quaestor of Antonius, instead of putting the man to death or sending him to the consul to be punished, merely ejects him from the place. We cannot tell whether we must conclude that Antonius himself was a traitor and his quaestor drove the tribune away because he could venture to do no more; or whether Sestius acted under Antonius' orders, who dis-

² In Sallust, Cat. 42, there is "in citeriore Gallia C. Murena;" and as that is the MS. reading, Sallust may have written "citeriore," though if Cicero is right, Sallust is wrong. Cort made the two authorities agree by changing Sallust's "citeriore" into "ulteriore."

avowed the tribune's acts. Such stories suggest more doubts and difficulties than we can solve. C. Marcellus, another suspected man, also visited Capua, and on the pretence of practising his exercises mingled with one of the companies of gladiators, which was then in that town, but Sestius promptly drove him out also, for which he received the thanks of the people of Capua (*Pro Sestio*, c. 4). Rome was protected against danger by the vigilance of the consul Cicero. Watches were established through the city and placed under the inspection of the inferior magistrates. Sallust describes in his own peculiar manner the alarm which these precautions excited in Rome. For some years the city had been undisturbed by any violent commotion, but there was now the prospect of a renewal of the violence and bloodshed which many of the inhabitants had witnessed in the times of Marius and Sulla. The immediate effect of this fear was the destruction of credit and a fall in the value of property. A memorable instance is recorded (*Val. Max.* iv. 8. 3) of the prudence or liberality of Q. Considius, a great money-lender at Rome. The amount of debts due to him was fifteen millions of sesterces, but as he found that not even the rich could pay their creditors in consequence of the depreciation of all property and the impossibility of converting it into money, he did not trouble any of his debtors either about his principal or interest, and he thus contributed to mitigate the public calamity. The Senate passed a resolution in which they thanked Considius for his well-timed liberality, by which it is certain that this wise money-lender was no loser.

In this state of affairs a young patrician, L. Aemilius Paulus, a son of M. Lepidus (consul B.C. 78), commenced a prosecution against Catilina under the *Lex Plautia de vi* (vol. ii., p. 211), a law directed against those who were forming designs to disturb the State by violence, rioting and breaking the peace. Cicero on a later occasion speaks of a prosecution instituted by L. Paulus having driven two traitors out of Rome (*In Vat.*, c. 10); and it is supposed that he alludes to Catilina and another; and in a letter (*Ad Fam.* xv. 13) written many years afterwards to Paulus (B.C. 50) who was then consul, Cicero speaks in general terms of the service

that Paulus rendered to him in B.C. 63, part of which service may have been this prosecution of Catilina. The rising in Etruria under Manlius and the alleged designs of Catilina at the last consular elections would be a reason for this prosecution, but it is certain that Cicero had no intention of allowing Catilina to be brought to trial. The bold conspirator in order to prove his innocence of the charges which had so long been made against him, or as a defiance to his enemies, asked M. Lepidus (consul B.C. 66) to allow him to dwell in his house, so that Lepidus would be assured that he was plotting no mischief; but Lepidus would not receive him. He then applied to Cicero to take him, a proposal which might be viewed either as evidence of his innocence or his impudence; but Cicero replied that as he considered himself in great danger so long as Catilina was within the walls of Rome, he certainly could not be safe in the same house with him. The praetor Q. Metellus Celer also refused to receive Catilina, and at last the man took up his abode with M. Marcellus or M. Metellus, for the name is doubtful, whom Cicero ironically calls a most excellent man. Cicero, who is our authority for these facts (In Cat. i. 8) does not fix the time, but if he tells the truth, this proposal of Catilina was made before Q. Metellus Celer left Rome for Picenum. According to Dion (37, c. 32) it was made after Catilina received notice of prosecution by Paulus. Dion states that the praetor Metellus did take Catilina into his safe keeping, and that he was living in the house of Metellus at the time of the meeting of the sixth of November, which will presently be mentioned. But this is extremely improbable, for Metellus was not then in Rome.

At the end of October and the beginning of November, the quarrel was approaching a crisis. On the night of the first of November, Catilina designed to seize Praeneste (Palestrina) a strong place in the neighbourhood of Rome (vol. ii., p. 342), from which he could threaten the city, but he was anticipated by the vigilance of the consul Cicero, who had been informed of the design. There is no other authority for this fact except Cicero who charges Catilina with it in his first Catilinarian oration (c. 3). A meeting of the chief con-

spirators was held on the night of the sixth of November, as we learn from Cicero, in the street of the "falcarii" or hook-makers; and if we believe that Catilina had the treasonable designs which were imputed to him, the men of this quarter would be useful in supplying him with arms. The meeting was called by M. Porcius Laeca, and as Cicero says, in the house of Laeca. Sallust does not fix the time of this meeting, but he places it after the consular Comitia. Catilina after complaining bitterly of the cowardice or inactivity of his associates informed them that he had sent forward Manlius to put himself at the head of those who were in arms. His own wish, he said, was to join the forces, if he could first remove Cicero out of the way. He marked out Italy into military divisions with a commander for each; and the quarters of the city which it was intended to fire. At this meeting C. Cornelius a Roman Eques and L. Vargunteius a senator, agreed to go with some armed men on the morning after that night to the house of Cicero on the pretence of paying their respects to him according to Roman fashion at that early hour, and to murder him. Curius, who was acquainted with the design, informed Fulvia, and she immediately took or sent the news to Cicero. The assassins came, but the door-keeper would not open to them and they went away. This is Sallust's story. The pretence of a visit, when the two visitors were accompanied by armed men, seems strange, but we must remember that Cicero had a guard about him, and the armed men, who were to do the bloody work, would have no chance of getting into the house unless the two visitors had the door opened to them. Cicero (In Cat. i. 4) affirms that two Roman Equites undertook to murder him, that he was informed of the plot almost before the meeting at Laeca's house broke up, and that he strengthened his guard. Sallust did not choose to follow Cicero's statement and he took some other authority. Plutarch names Marcius and Cethegus as the assassins. It is an idle labour to attempt to reconcile the discrepancies in such a story, for as the plot did not succeed, there was the more room for different statements as to the names of the assassins and the way of executing their intended design. In the oration for Sulla (c. 6, 18) Cicero twice speaks of

Cornelius intending to murder him, and in the first passage, he says that he was sent by Autronius.

Plutarch in his life of Crassus reports (c. 13) that Crassus came to Cicero by night and brought a letter which contained information about the conspiracy. He quotes as authority for this fact what he names "Cicero's oration" or perhaps his work on his consulship, but he does not fix the time of this event. In a passage in his life of Cicero (c. 15) Plutarch reports that after the consular elections of B.C. 63 the men in Etruria came together to support Catilina and were forming themselves into companies, and the day appointed for the execution of the plot was near, when there came to Cicero's house at midnight M. Crassus, M. Marcellus and Metellus Scipio. Crassus brought letters which had been delivered that evening to his door-keeper by an unknown man: the letters were addressed to various persons, and one of them to Crassus himself, but it had no signature. Crassus only read the letter addressed to himself, and seeing that it announced that Catilina was going to make a massacre and advised him to leave the city, he went straight to Cicero and delivered all the letters to him, for he was greatly alarmed, and he also wished to free himself from any suspicion that might attach to him as a friend of Catilina. Cicero convened the Senate at daybreak, and giving the letters to those to whom they were addressed bade them read the letters aloud. All the letters gave warning of a conspiracy; and when this anonymous information was confirmed by the news of a rising in Etruria, the Senate gave that unlimited power to the consuls which has been already mentioned. This decree of the Senate then was made, according to Plutarch, after the anonymous letters were received, and after a report from Q. Arrius, a man of praetorian rank, of the forming of armed companies in Etruria and the arrival of news "that Manlius with a large force was hovering about those cities expecting every moment something new from Rome." Now if Manlius left Rome for Etruria, even as late as the twenty-second of October, news might reach Rome at the end of the month that he was agitating in those parts. Thus we might fix the time of this famous decree

of the Senate at the end of October or the beginning of November, and there would be sufficient reason for such an extraordinary measure. Plutarch adds that Catilina now resolved to join Manlius, but he first formed the plot against Cicero's life, the date of which plot, as we know, was the sixth of November; and Fulvia went to Cicero that very night and warned him to be on his guard. However as we must accept the date of the decree as it is fixed by Cicero and Asconius, it is probable that the letters already mentioned were sent before the twenty-first of October, and that there was already before that date disturbance in some parts of Italy, and both these circumstances would be sufficient reasons for the Senate arming the consuls with extraordinary powers.

Dion Cassius (37, c. 31) agrees with Plutarch, except that he says that letters of warning were sent to Crassus and to others; that the letters induced the Senate to declare that there was a "tumultus" or rising; and on the arrival of the news from Etruria, the consuls were intrusted with unlimited power by a resolution of the Senate. The rising of Manlius, according to Dion's narrative, made people believe that Cicero was no longer exciting their fears by false alarms, and was immediately followed by the prosecution which Paulus commenced against Catilina. Dion's narrative then speaks of the meeting at Laeca's house, and the attempt of two assassins to murder Cicero. Sallust places the *senatus consultum*, which gave the consuls extraordinary power, after the attempt to murder Cicero, and of course after the meeting at Laeca's house in which the assassination was planned; and he also says that a few days after the *senatus consultum* L. Saenius announced in the Senate that Manlius had taken up arms on the twenty-seventh of October; from all which it appears that his chronology does not agree with Cicero's. Some critics have attempted to reconcile Cicero and Sallust by transposing part of Sallust's text; but Sallust's narrative is evidently false.

On the eighth of November Cicero summoned the Senate to meet in the temple of Jupiter Stator, which was at the foot of the Palatine Hill and at one end of the Sacra Via.

Catilina appeared, took his place, and Cicero began his attack in the first of those four orations named "Catilinarian." These orations and others delivered in his consulship were, as we know, collected in a volume, and it is probable or rather certain that the written speeches would vary somewhat from those which were delivered. However we must take the written orations against Catilina in the form in which we have them, as the exposition of Cicero's policy and the defence of his acts. It is here assumed that they are the genuine works of the Roman consul, as they were finally corrected, written out, and published by him.

Cicero begins his furious invective, a term given in some manuscripts to all these four orations (*invectivae*), by telling Catilina that his designs were manifest, his meetings by night notorious, and that he ought to have been put to death long ago by the order of the consul and by the authority of the resolution of the Senate; and to confirm what he says, he quotes the cases of the Gracchi and Saturninus. Cicero condemns his own and his colleague's inactivity. Men are in arms in Etruria, the enemies of the State are daily increasing, and the leader of all these rebels is within the walls of Rome, nay even in the Senate-house (c. 1, 2). "Don't you remember," he says to Catilina, "that I said in the Senate, on the twenty-first of October, that Manlius your audacious agent would be in arms on the twenty-seventh of the month?—I also said in the Senate that you had fixed the twenty-eighth of October for a massacre of the Optimates." But this design was frustrated by the consul, as well as Catilina's attempt to seize Praeneste on the first of November. Cicero then charges Catilina with the meeting at Laeca's house; he says that he sees before him other senators who were there also, but though they ought to be put to death, he will not even mention their names. The plan of the conspirators or of their leader Catilina is this: Italy was marked out into divisions, and each division was assigned to a conspirator; it was settled whom Catilina should leave in Rome and whom he should take with him: the quarters of the city to be fired were fixed; Catilina was ready to leave Rome, and was only waiting to get rid of the

consul by assassination, which two Equites who were at the meeting undertook. This is the substance of the charge against the chief conspirator who was present, and against some of his associates whom Cicero does not name, though they were present, and as guilty as Catilina.

This first part of the oration contains several statements which we cannot believe, and a monstrous falsehood which we can refute. How could Cicero say on the twenty-first of October that Manlius would be in arms on the twenty-seventh? Even if he had in any way received information that this day was fixed, and we cannot conceive how he got it, he would hardly risk his credit by such an assertion, when so many causes might prevent the rising of Manlius on that day. We have seen that Saenins announced the day in the Senate after the event had happened, and we ought to conclude that this was the first time that Cicero heard of the twenty-seventh. Cicero also affirms that Catilina had fixed the day of the massacre for the twenty-eighth of October, and the consul appears to mean that he said this also on the twenty-first. The announcement that there was to be a massacre on the twenty-eighth day was followed, as Cicero says, by the flight of many of the chief men from the city, not so much, says the consul, with the view of saving themselves as for the purpose of checking Catilina's designs, which appears to be a sarcastic and ironical remark. The massacre did not take place, so vigilant was the consul on the twenty-eighth. It would have been strange indeed if the announcement of such an intended massacre had not defeated the design, and it is equally strange that so many distinguished men ran away, when they would be safer by remaining together in the city than by scattering themselves over the country and exposing themselves to the emissaries of the great conspirator. It is impossible to imagine that all this absurdity was spoken in the Senate, but it is very easy to suppose that it was added afterwards in the written speech (*"quam postea scriptam edidit;"* Sallust, Cat. 31).

Further, Cicero affirms that Catilina ought to have been put to death as soon as the resolution of the twenty-first of October was passed, and he also affirms that he could have

ordered his execution. Why then did he not seize him, why did he not execute him? The reason is that he dared not do it, for he knew that the power which was given to him, could only be used against open rebellion, as in the case of Saturninus, and there had not yet been a rising in the city which would justify the consul in arming against Catilina and his adherents, whom he does not even venture to name. Nothing is said of the prosecution of Catilina by Paulus, and for two reasons, as we may conjecture: the consul had not the evidence at his command, which would have been sufficient to convict Catilina, nor would a conviction on such a charge have satisfied him. He wished to drive Catilina out of the city and to contend in the open field with a man who had baffled him in Rome.

After making such a charge against Catilina, a charge of having planned a massacre, what does the consul do? So far from arresting this daring conspirator he bids him go, leave the city, join Manlius (c. 5). Though he tells Catilina that he is openly conspiring against the State and the lives of all the citizens, he makes no offer to produce any evidence. But if he did know what he said that he knew, why could he not convince the Senate of Catilina's guilt and get rid of him, as he afterwards did in the case of the other conspirators? We conclude that Cicero was afraid to touch the man, and that he could not prove what he said. His fears indeed he confesses. He admits that he does not dare to act in this matter with the severity of the old Romans; and even if he should order Catilina to be put to death without any trial, a power which he falsely assumes that he has, there would still be conspirators left behind. It would therefore be a great relief to him, if Catilina and his crew would leave the city; and again he urges him to go.

"What pleasure," he asks (c. 6), "can you have in this city, Catilina, in which there is not a man who does not hate and fear you, except your own desperate band of conspirators?" This address is followed by a recapitulation of Catilina's crimes, some of which are mentioned and others only hinted at. One of these implied charges is that Catilina had lately ("nuper;" but it is an indefinite word) murdered his wife,

and then married another, Aurelia Orestilla, as we may suppose: but no other writer mentions this crime, not even Cicero himself in the fragments of the oration *In Toga Candida*. Cicero also charges the man with frequent attempts to murder him since he has been elected consul, but he does it in such a way as not to convince us that he is speaking the truth. He reminds Catilina (c. 7) that when he entered the Senate on that day, no man addressed him, not one of his numerous friends and intimates. As he advanced to take his seat, the senators left the benches vacant; all the men of consular rank rose up as soon as Catilina sat down near them.—The consulars had certainly good reason for getting out of the way of a man, who, as Cicero says, had often marked them out for slaughter; but we should like to know what was the behaviour of those senators who had met Catilina at Laeca's house. Did they too shun their friend and fellow-conspirator? This passage is no doubt a little of that paint or pigment, as Cicero calls it, with which he used to dress up his written speeches, and the words were never delivered as they now stand. Another passage follows in which the *Patria*, the Fatherland, addresses Catilina in a tone of piteous expostulation, and ends by saying: "wherefore depart and free me from this alarm: if it is a real alarm, your departure will save me from ruin; if it is unfounded, I shall at least cease to fear."

The consul turns against Catilina his proposal to put himself in the custody of M. Lepidus and others (c. 8), and affirms that such a man is self-condemned and deserves to be cast into prison. In answer to Catilina's supposed proposal, that the Senate should be asked whether he should go into exile, Cicero says, he will not put such a question to the Senate.—Now it is well known that the Senate had no power to send a man into exile, and Cicero of course would never have asked them to do it.—Again he tells the man to leave the city, to release the citizens from their fears. There is a crowd about the Senate-house, Roman equites and other most excellent men, and it was with difficulty, says Cicero, that he prevented them from using their hands and weapons against Catilina. If then the consul is telling the truth, there was a

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furious armed mob round the Senate-house threatening Catilina's life, and the consul did not disperse it.

If Catilina should leave the city in consequence of this speech, Cicero foresees (c. 9) that he himself will hereafter be blamed; but he is content to bear the blame, if the State shall be saved. Again Catilina is told to go to Manlius with his crew, and by implication to leave behind him the prosecution which had been commenced, as if there would be no attempt made to detain him to stand his trial. Cicero knows that Catilina has sent forward armed men to wait for him at Forum Aurelium on the Via Aurelia, and that the day for meeting Manlius is fixed. Cicero knows this, an open act of conspiracy, which, if proved against Catilina, would be sufficient for his conviction; he knows it and yet he not only allows Catilina to leave Rome, but he urges him to go.

The poor Patria again appears (c. 11): she addresses the consul M. Tullius and asks why he does not punish the man whom he has discovered to be an enemy to the State? M. Tullius respectfully replies to Patria (c. 12), and his reply is valuable, for it contains the real truth, that if he had thought it the best thing for Catilina to be put to death, he would not have allowed the gladiator, as he contemptuously calls him, one single hour of life.—Perhaps he should have added, if he had been bold enough to order Catilina's death. However he leaves it uncertain whether he meant that he would have ordered him to be put to death as soon as the Senate had given the consuls the commission to save the State, or after he had obtained certain evidence of Catilina's revolutionary designs.—Again he defends what he might have done by comparing the case of Catilina with the unlike cases of Saturninus, the Gracchi, and M. Fulvius Flaccus. He admits that he was prevented from acting as he wished because some of the senators did not believe in the conspiracy; to which we may reply, Why did he not give them such proof as he had? He says that if Catilina shall join Manlius, who really was in arms, nobody will be so foolish as not to see that there was a conspiracy, nor so dishonest as not to admit it.—To this it may be replied, that if Catilina joined

Manlius, he thereby became a rebel, but this is no proof in itself that he was a conspirator before he joined him. The consul admits that the execution of Catilina would only check the mischief, and not repress it for ever, and according to the written speech, this was said in Catilina's presence; which many persons may not be disposed to believe. The consul's admission proves that the danger was not so much in Rome, which was well watched, as in Etruria, where there was general disaffection. Catilina was doubtless a dangerous man, more dangerous because he had failed to attain the consulship, and he and Cicero were now deadly enemies. If Catilina with all his followers could be driven out of the city, and all the other needy malcontents in Italy should join them, the men of Sulla and the men who had been impoverished by Sulla, the State would have the opportunity of attacking the whole body out of Rome and destroying by one blow all those who were disturbing the commonwealth. This design of Cicero is clearly expressed by him, and as far as we can see, it was the best method for those in power of ridding themselves of their enemies (c. 12).

In his peroration the orator represents the partisans of Catilina as crowding round the tribunal of the Praetor Urbanus, blockading the Senate-house armed with swords, and getting ready materials for burning the city. But we must not believe that he said this in the Senate. It was rhetorical pigment added to the published speech. How could Cicero with unlimited power in his hands allow Catilina's partisans to surround the Senate-house with arms? and with what face could he say this, when he had just affirmed (c. 8) that his own friends were on that day outside the Senate-house ready to destroy Catilina, if he had not prevented them? This speech may be viewed as a State paper on the conspiracy composed by a Roman consul. The language is bold, and the charges are vehemently urged, but the evidence is wanting, the conclusion is feeble, and the whole betrays fear disguised or hardly disguised. It is not the speech of a statesman who thinks only of his country and would resolutely punish a disturber of the public peace. It is a speech deficient in simplicity and dignity, and, as we read, we think more of

the hostility between the consul and the conspirator than of the designs of Catilina against the State. We may say that the consul admits that he has not sufficient evidence against his enemy, for like many people now-a-days, who make charges against others, he asks Catilina to leave Rome and thus condemn himself. The circumstances of the times may have justified the consul in dealing as he did with an enemy, who while planning a revolution had yet done no act which would justify Cicero in arming the people as in the cases of Caius Gracchus and Saturninus. If there had been a rising in Rome, it would probably have been suppressed and Catilina and his men would have perished like C. Gracchus and his associate Flaccus. Cicero, if he believed all that he said, could see no better way of ending the present state of fear and suspicion than by pushing the quarrel to extremities and provoking his enemy to a trial of strength out of Rome. This is the true conclusion from all that he said and did; and though we may always look at his evidence with suspicion, it is exactly what he says himself (*Cat. iii. 7*).

When Cicero sat down, Catilina, who was a profound dissembler, rising with humble mien, entreated the Senate in a suppliant tone not to believe any thing charged against him without evidence; he said that he was sprung from such a family, and from early manhood had so regulated his life that he had reason to expect the fairest prospects: he begged them not to suppose that he a patrician, whose ancestors as well as himself had done the greatest services to Rome, could have any interest in the ruin of the State, which was now under the protection of M. Tullius, a stranger who had settled in Rome. As he began to add other abuse to this, the Senate by their cries drowned his voice and called him an enemy to the Republic. Then Catilina, throwing off all disguise and stung to madness, exclaimed, "Since I am surrounded by my enemies and driven to desperation, I will quench in general ruin the conflagration which they have raised about me." With these words he hurried out of the Senate-house and went home (*Sallust, Cat. 31*). Our confidence in Sallust's description of the result of Cicero's invective is weakened by the fact, that Cicero reports these words of

Catiline as spoken at some time before the twenty-first of October (p. 276).

Reflexion showed Catiline that he must take a bolder step. It was not the consul's speech that drove him out of Rome, but the certainty that he could not safely remain, nor could he overthrow the government unless he defeated their armies in the open field. It is true that he had only a poor prospect of gaining a victory over the troops of the Republic with such a force as Manlius had about him, but it was not likely that these men could be kept together, if he did not show himself. He left instructions with Cethegus, Lentulus, and others of his boldest partisans, to strengthen the power of his party, to kill the consul, "to prepare for massacre, burning and other acts of war," as Sallust writes, and he promised that he would soon join them before Rome with a large army. He left the city at midnight of the day on which Cicero made his speech in the Senate, with a few attendants, as Sallust says, three hundred armed men, according to Plutarch, and took the road to Etruria.

Before Catiline left Rome Manlius sent a message to Q. Marcius Rex, in which he solemnly protested that he and his men had not risen in arms against their country, but to protect themselves from their creditors; he said that they could not save their bodies from the cruel treatment of the usurers, even by giving up all their property; in antient times the common sort had often been relieved by regulations on the subject of debts; and very recently within living memory (by the *Lex Valeria*, vol. ii., p. 251) it was enacted that creditors should be satisfied by the payment of one-fourth of what was due to them. All that the insurgents asked for was the security of their persons against their creditors.—Though we cannot accept the message of Manlius as literally true or believe that men in arms only claimed protection against their creditors, it seems that at least in some parts of Italy the law of creditor and debtor was so severe as to be a reasonable excuse for revolt. To this message Marcius gave the only answer that he could give: he told the men to lay down their arms and humbly to address their prayer to the Roman Senate, who were never petitioned in vain. If Marcius did no more, we must sup-

pose that he had not a sufficient force to disperse the rebels before Catilina's arrival.

Catilina, when he was on the road to Etruria, wrote letters to most of the consulars and to all the men of the highest rank, as Sallust says (c. 34), in which letters he said that he was assailed by false charges, and being unable to resist his enemies he submitted to his bad fortune and was going to live in exile at Massilia (Marseille) : that his retirement must not be taken as a confession of his guilt, but as a proof of his desire to give tranquillity to the State. We have no reason for supposing that Catilina had ever any intention of going to Marseille, and his only object in telling this lie was to deceive the people in Rome for a time and by his protestation of innocence to make Cicero unpopular. But Q. Catulus read in the Senate a short letter to a very different purport, delivered to him, as he said, at Catilina's request, and Sallust professes to give a copy of this letter. The concluding words show that it was written in Rome and just before Catilina's departure. The letter states that the friendship of Catulus, which had been shown on critical occasions, gives Catilina confidence in writing this letter of recommendation. In taking this unusual resolution he did not intend to defend himself : he determined to lay before Catulus an explanation founded on no consciousness of guilt, and an explanation which Catulus may accept as true. As he had been stung by insult, robbed of the due reward of all his labours, and had not attained that place in the State to which he was entitled, he had according to his practice undertaken the cause of those who were suffering, and as a matter of public concern ; he had formed this resolution not because he was without the means of paying his own debts, and Orestilla's liberality would have paid out of her means and those of her daughter even the debts of others for which he was a security, but because he saw unworthy men raised to the high honours of the State and himself through unfounded suspicion excluded from them : for this reason he had taken a resolution which in his present circumstances gave him fair hopes of preserving what character he still possessed : he was going to write more, but he stopped because he was informed that his enemies were pre-

paring to use force ; and he concluded with recommending his wife Orestilla to the care and protection of Catulus. If Catilina reflected at all, he must have known that Catulus would not keep this letter to himself, and that it clearly proclaimed his object. This foolish, incoherent epistle, if it is genuine, shows that the man had little sense.

On the morning of the ninth of November (In Cat. ii. 3), Cicero addressed the Roman people in a tone of exultation. The enemy was gone at last (c. 1) ; the monster was no longer within the walls to threaten them, and the quarrel will now be settled by a regular war. Catilina was driven from secret conspiracy to open rebellion. The man (c. 2, 3) ought to have been put to death long ago, but the blame must be laid on the circumstances of the times and not on the consul. The force which Catilina had collected was contemptible, and no match for the armies of the Republic. He wishes the traitor had taken others with him who were left behind, some of them hurrying about the Forum, or standing about the Senate-house, and even entering it. He knows all the plans of the traitors : he exposed them in the Senate the day before. Catilina was alarmed and he fled. Those who stayed behind will be much mistaken, if they expect his forbearance to last any longer.

He then continues to abuse Catilina in the same extravagant strain with which we are familiar (c. 4) : he was the intimate companion of every villain and wretch, male and female, in all Italy ; a participator in every murder and abomination committed for years past ; he had associated with him in his criminal designs every desperate debtor in Rome and in every corner of Italy.—Such unbounded and senseless invective destroys all our confidence in the speaker, and we read with distrust (c. 5) his picture of the vices of the times, and of the profligate scoundrels, drowned in sensuality and luxury, who were talking of the murder of all honest men and the conflagration of the city. Rome was full of conspirators, whose designs were notorious. Why did he not seize some of them ? Instead of doing this, he bids them leave the city or keep quiet. If they will not leave the city and still continue in the same mind, they must expect what they deserve.

The consul says (c. 6, 7) there are some who affirm that he drove Catilina into exile : of course such a timid man went off as soon as he was told. But in fact he had long been making preparations for going, and had been getting every thing ready for a contest ; unless it was supposed that Manlius had declared war on his own account, which of course was not likely. Cicero does not care if it is said that he drove out Catilina, if he will only go into exile to Massilia ; but he assures the people that he is not going there. He is going to the camp of Manlius. Cicero now asks (c. 8) why they should talk so much of a single enemy, of one who has declared himself an enemy : must nothing be said of those who are lurking in Rome ?—We might ask the same question ; why continually talk of one conspirator, when there were many, and some of them appeared in the Senate with Catilina on the eighth of November ? why continually harp on one man's name, and never mention any other ? Neither in this oration nor in the first does Cicero name any conspirator within the city except Catilina. Instead of doing this he here enumerates the different classes of knaves and villains in Rome : and this enumeration from a Roman consul certainly presents a curious picture of the times ; but the value of it may not be great, for a similar picture may be drawn of any great city.

The first class is the rich who are in debt, but will not pay by selling part of what they possess.—It is not explained why their creditors do not compel them to pay.—A second class (c. 9) consists of men who are overwhelmed with debt, and yet aim at political power, which can only be got by revolution and could not be kept long, for such men would be compelled to make way for some runaway slave or gladiator.—This is only one way of expressing what has been said in modern times that the first leaders in a revolution never maintain themselves in power.—A third class consists of those who are no longer young, but they are men hardened by discipline, of which class is Manlius himself, who is now succeeded by Catilina. These are Sulla's colonists, who were suddenly made rich, and not being accustomed to the command of money, have indulged in such extravagance that

they could only be saved from ruin by raising up Sulla from the dead. They have also brought over some poor country folks to join them with the hope of such plunder as there was in times past. The fourth class (c. 10) consists of men, hopelessly involved in debt, who have been plagued with actions, sold up, reduced to beggary, and so they fly from Rome and from the country to the camp of Catilina. These men will be no fighters.—Cicero has no feeling for these poor, broken-down men, who are found in all large towns, men more worthy of pity than of blame, who have tried to live and cannot. He does not understand why, if they cannot live honourably, they should seek a disgraceful death, or why they should expect to suffer less by perishing with many than by perishing alone: from which it appears that he had not yet learned that companionship lightens misfortune.—The fifth class consists of murderers, assassins, men guilty of all crimes, who stick to Catilina, and it is well they should perish with him, for they are too many for a prison to hold. The sixth and last class consists of those who are especially Catilinarians, the loose companions of the conspirator, men with combed locks, and sleek, some without beards, others bristling with hair, in long-sleeved under-dress coming down to the ankles and loose wide toga, gamblers, adulterers, wretches steeped in impurity, dainty youths who can dance or sing a song, and can use the dagger too and mix poison. But what do these miserable creatures expect? Will they take their girls with them into the camp, and how will they be able to do without them as the cold nights are coming on? But how will they bear the frosts and snows of the Apennines, unless they think that they shall endure the winter better because they have learned to dance naked in their banquets?

Against such a disorderly rout the struggle will not be doubtful (c. 11, 12). He exhorts the citizens to protect their houses: he has provided for the city. All the colonies and municipia have been informed that Catilina has left Rome and they will protect themselves. Q. Metellus who has been sent forward into the Gallic territory and Picenum will either crush the man or check all his movements. The Senate

is just going to meet and he will bring before them every thing that requires their deliberation.

He concludes with a few words of warning to the partisans of Catilina who were left in Rome. His lenity had only been exercised so far in order to let the lurking mischief show itself. If any more of them wish to leave Rome, they may go; the gates are open, and they may save themselves. But if any man shall make a disturbance in the city, if he shall by any act or by the least show of action indicate any design against the State, he will find that there are vigilant consuls, active magistrates, a resolute Senate, and the sword and the prison will be the punishment of crime. He speaks as if Antonius were in Rome, but he declares that he alone without taking up arms will quench this civil war (c. 13).

CHAPTER XV.

CATILINA.

B.C. 63.

CATILINA stopped a few days at Arretium (Arezzo) in the north part of Etruria with C. Flaminius, and distributed arms among the people of the neighbourhood, who had been roused to revolt (Sallust, Cat. 36). From Arretium he marched with the fasces and the axes to join the forces of Manlius. This assumption of the signs of authority by Catilina, as if he were a proconsul, could only be intended to impose on the ignorant people who had flocked to the camp in Etruria. When this open act of rebellion was known at Rome, which might be about the middle of November, the Senate declared Catilina and Manlius enemies to the State, and at the same time gave notice that all those who were with the rebel leaders might lay down their arms before a certain day, which was named, without being called to account for what they had done, except such as had been convicted of what the Romans named capital offences. The Senate also resolved that the consuls should raise troops, that Antonius should follow Catilina with an army, and that Cicero should watch over the city. The power which had been already given to the consuls (October 21st) enabled them to raise soldiers, and the power had been exercised. This second decree therefore may mean no more than that the Senate now saw that it was time to act vigorously, and they urged Antonius to follow the enemy, while Cicero got together whatever was necessary to protect Rome.

At this part of his narrative Sallust pauses to make some

reflexions on the condition of the Roman State. Whether his reflexions are true or not, they are the opinions of a contemporary historian; and the opinions of a contemporary are valuable historical facts, if the man had an opportunity of observing and any capacity for forming a judgment.

The world had been subdued by the victorious arms of Rome from the rising to the setting sun, there was peace in Italy, wealth was abundant, and yet there were men obstinately bent on ruining themselves and the commonwealth; for though the Senate had made two resolutions about the conspiracy, no one out of so large a number of malcontents had been induced by the promised reward to give information, nor had a single person left the camp of Catilina. It was not the conspirators only who were enemies to the present state of things: all the plebeian class were desirous of revolution and accordingly favoured Catilina's designs; and this was quite natural. For those who have nothing always envy the better part of society, and wish for change; they are fed by turbulence and civil disorder without any anxiety on their part, since a needy condition is easily supported and has nothing to lose. The common sort in the city was especially eager for revolution. In the first place all those who had a bad character, those who had scandalously wasted their patrimony, and in fact all who were driven from home by their disgraceful lives and crime crowded to Rome, which became the sink of Italy. In the second place, many who remembered Sulla's supremacy, who had seen common soldiers raised to the rank of senators, and others made so rich that they lived in regal state, were hoping that if they took up arms they might have the same good luck. Besides, the country youths who maintained themselves by manual labour, hearing of the bounty that was distributed by the city and by individuals, preferred an easy life in Rome to disagreeable labour in the country, and such folks and others like them were maintained to the damage of the State. It was no wonder then if needy men, of bad character, who cherished extravagant hopes cared as little about the State as themselves. There were also those whose fathers had been proscribed by Sulla, men who had lost their property and part

of their civil rights, who looked to the issue of the war with the same disposition as the other malcontents. In addition to this, all who were not of the Senatorian party preferred a general convulsion to the state of subjection in which they were held. Thus the old evil returned upon the State after the lapse of many years; for when the tribunician power had been restored in the consulship of Cn. Pompeius and M. Crassus (B.C. 70), audacious young men who obtained this high authority began to agitate the Plebs by abusing the Senate, and then urged them on by largesses and promises; and so they rose to distinction and power. Most of the nobles opposed these agitators with all their might, under the pretext of supporting the Senate, but in reality for their own aggrandizement. For to say all in a few words, the men who during those times (he seems to mean from B.C. 70 to 63) disturbed the State, making use of fair names, some professing to be the defenders of popular rights, others to maintain the full authority of the Senate, were all striving to increase their own power under the pretence of looking after the public interest; and there was no moderation between these opposite parties in their quarrels: both of them used their victory extravagantly. But after Cn. Pompeius was sent against the pirates and Mithridates, the power of the plebeians was weakened, and that of the oligarchy increased. The nobles held the high offices of the State, and the provinces: every thing was in their hands: safe from harm, enjoying their good fortune, they feared nobody, and they alarmed with threats of prosecution those who obtained the tribunate that they might thus be induced to handle the common sort in a quieter way. But as soon as a critical time came and with it the hope of change, the old quarrel agitated men's minds. Now if Catilina had come off victorious in the first battle or had not been defeated, great calamities would have befallen the State; nor would those who had gained the victory have been allowed to enjoy it long, for when they were exhausted, some stronger hand would have wrested the power from them and destroyed freedom also.

Some persons who were not engaged in the conspiracy went

at first to join Catilina, and among them was A. Fulvius, the son of a senator, but the father ordered him to be seized on the road, brought back to Rome and put to death (Sallust, *Cat.* 39). If the story is true, as it may be, it is one of the examples of a Roman father exercising the power of life and death over a child, but it must not be concluded that the father's power at Rome over his children was absolute. He could only exercise his authority over his wife and children in a family council composed of his kin¹. Sallust does not inform us whether the father executed the son after a condemnation by the family council or without it. If he put him to death on his own authority, he was guilty of murder, but this act of rigorous discipline might pass unpunished at such a time. Dion (37, c. 36) has perverted the story by making the father, a private person, as he calls him, put to death the son, who was a senator. Autronius, who had been elected consul in B.C. 66 and afterwards was convicted of bribery at his election, is charged by Cicero with having sent forward to Catilina arms and other warlike stores (*Pro Sulla*, c. 5); and yet Autronius escaped punishment, though he was as guilty as any of the associates of Catilina, if Cicero tells the truth.

On some day, as appears from Cicero (*Pro Murena*, cc. 3, 37, 39), between the eighth of November and the third of the following December, L. Licinius Murena was prosecuted under the *Lex Tullia* for bribery at the consular election of that year. He was the son of L. Licinius Murena, who commanded a division of the Roman army under Sulla (B.C. 86) at the battle of Chaeronea, and he had served under L. Lucullus for several years in Asia, from which country he returned before his commander. The prosecutor was one of the candidates, Servius Sulpicius, and he was assisted by M. Porcius Cato and others. Cicero, Q. Hortensius, and M. Crassus defended Murena, and he was acquitted. Cicero spoke last and his oration is extant, probably however not in the form in which it was delivered, as we may conjecture from reading it, and from the remark of the younger Pliny (*Epp.* i. 20). Cato in

¹ See Klenze, *Zeitschrift für Geschichte, Rechtswissenschaft*, vi. 26.

his speech against Murena complained that Cicero, who was consul and the proposer of the new law (*Lex Tullia*) on bribery, had undertaken the defence of Murena: and Cicero answers this complaint in the beginning of his speech. He had also to answer the complaint of Sulpicius that Cicero, who was his friend and had helped him in his canvass, now undertook the defence of the successful competitor. Cicero had a difficult task, for we may almost assume that Murena was guilty when he was prosecuted by two of the few honest men in Rome, one the most virtuous and the ablest of the Roman lawyers, and the other a Stoic who practised the doctrines which he professed. The charge was bribery, and that was all that Cicero and the other advocates of Murena had to answer, though it appears that after the loose style of Roman prosecutions, the charge of bribery was introduced by an attack on Murena's character and by a comparison between his merit and that of Servius. Cicero accordingly in his answer employs a large part of his speech in a comparison between the two candidates, the lawyer and the soldier. Further on (c. 28) Cicero comes to speak of Cato, and he says that he dreads the authority of his name much more than the charge which he maintains. Quintilian admired the skill with which the orator handles the occupation of the lawyer and the principles of the Stoic, for in the midst of all his playfulness and banter he never forgets the respect which he owes to his illustrious friend Sulpicius, nor the admiration that he cannot refuse to the stern and rough virtues of Cato. The best thing that Cicero could do for his client was to amuse the jury, to give Murena a good character, and to divert attention from the charge. He admits (*Pro Flacco*, c. 39) that the jury thought they ought not to trouble themselves about a charge of bribery at a time when Catilina was beginning a civil war, and that it was of more importance to have two consuls ready for the first day of the following year than to convict one of them.

Cicero had gained something by driving Catilina out of Rome, but there still remained in the city the men who were charged with being his associates in the conspiracy. They were well watched by the consul, but hitherto we must

suppose that he had not sufficient evidence against them, or he did not dare to use such as he had. Antonius, though he was suspected, as we are told, of being friendly to Catilina, had been sent with troops to oppose him and Manlius. Cicero had means of obtaining information through the numerous persons with whom he was brought together by his profession of an advocate, and he spared no pains to avail himself of all opportunities which were offered him by the zeal and devotion of his friends. He did not neglect his own security, and he had about him a number of picked young men from the Sabine town of Reate, of which he was patron. He himself mentions that slaves were put to the torture in his consulship to extract from them evidence against their masters about the conspiracy. We do not know to what particular time in his consulship he refers, but we may take his statement as true (Or. Part., c. 34).

In the mean time Lentulus was directing the conspiracy in Rome, and in his own way: for if it succeeded, he expected to be master. He added to the number of his adherents all whom he could gain, if he thought them in any way fit for his purpose; but while he was increasing the risk of detection, he was taking no active measures to forward his designs. Cethegus, who was rash and violent, was ready to make an immediate attack on the Senate, but more timid counsels prevailed, and the conspirators in the city were waiting for Catilina's promised return at the head of an army.

Sallust states (Cat. 43) that Lentulus and the chiefs of the conspiracy had arranged that, as soon as Catilina had reached Faesulae with his army, L. Bestia, a tribune, should attack Cicero in an address to the people and endeavour to lay on him all the blame of the impending war; and that this should be the signal for an outbreak on the following night. But Bestia would enter on his office on the tenth of December, long after Catilina must have joined Manlius; and therefore there would be no reason for Bestia to wait for the news. He could call a meeting on the tenth of December and not earlier; and as Catilina's junction with Manlius would be then certainly known, the narrative of Sallust seems to

fix the intended outbreak on the night of the tenth of December.

It was arranged that Gabinius and Statilius with a large body of men should fire the city in twelve parts, in order that in the confusion there might be a better opportunity of attacking Cicero and those whom it was intended to massacre. Plutarch adds that men were appointed to stop up the water-conduits and to kill those who attempted to get water to quench the flames. Cethegus undertook to murder Cicero, and some young men, chiefly of noble family, to kill their fathers. In the midst of the flames and massacre, when the people were stupefied with terror, the conspirators would burst out of the city and join Catilina. This is not consistent. If the plot succeeded, the conspirators would be masters of Rome, and there would be no occasion to run away to Catilina; which indeed they might have done long before, if they had chosen to go.

Appian also has a story to this effect, that when they should hear of Catilina's arrival at Faesulae, Lentulus and Cethegus should visit Cicero in the morning and assassinate him, and that as soon as the murder was done, Bestia should harangue the people and charge Cicero with being a coward, and disturbing the city without any reason, and finally as soon as it was night, the city should be fired in twelve places, the work of plunder should begin and the Optimates or nobles should be massacred. It is absurd enough to speak of Bestia making such a speech after the consul was murdered, but Appian omits the silly conclusion of the conspirators running away when they had accomplished their design.

According to Cicero, who must have known the facts, and Plutarch (Cic. c. 18), the feast of the Saturnalia on the nineteenth of December was at last fixed for the execution of the plot: and there was certainly time to arrange this day with Catilina, but the catastrophe came earlier. There were in Rome at this time ambassadors from the Allobroges, a Gallic nation between the Rhone and the Isère, who had been conquered by Q. Fabius Maximus B.C. 121, and their country was then made dependent on Rome. These people had felt the oppression of their masters, and in consequence of Roman

greediness and exactions both the community and individuals were groaning under debt. The ambassadors had been sent to see if the Roman Senate would grant the Allobroges some relief, and Lentulus seized this opportunity of employing P. Umbrenus, a freedman, to sound their disposition and try if they could be induced to rouse their countrymen to arms. Umbrenus, who had been a "negotiator" or merchant and money-lender in Gallia, and was intimately acquainted with most of the chief men of the Allobroges, took the first opportunity of talking to the ambassadors when he met them in the Forum, and condoling with them on the wretched condition of their country. The men complained grievously of the Roman governors of the Provincia, and those in authority under them: they had no hopes from the Senate and no prospect of any termination of their sufferings. Umbrenus replied that if they had the courage of men, he would show them a way out of their troubles; and the Gauls on hearing this comfort professed their readiness to run any risk with the prospect of bringing relief to their country. Umbrenus took the men to the house of D. Brutus near the Forum, for his wife Sempronia was in the secret of the conspirators, and her husband happened not to be in Rome, which was very opportune for the business of the conspiracy and also for Sallust's narrative. Gabinius Capito was sent for, that the Gauls might have more confidence in the enterprise, and in the presence of Gabinius the whole design was laid open to the ambassadors, the members of the conspiracy were named, and to encourage the Gauls many also of all classes were mentioned who had no connexion with the plot. Cicero names two others P. Furius and Q. Manlius Chilo (In Cat. iii. 6), or Q. Annius Chilo, who were afterwards engaged in this negotiation with the Gauls. The ambassadors received a promise of relief for their countrymen on the condition of sending a force of cavalry into Italy to aid the conspirators.

After the ambassadors had left this conference they began to consider what was best to be done. Their inclination, we may assume, was to accept the proposal of the conspirators, but long reflection convinced them that it was more to their interest to betray their new friends; or, to use a Roman

expression, after they had long deliberated what they should do, the fortune of the commonwealth prevailed. Accordingly they communicated what they had heard to Q. Fabius Sanga, a member of the illustrious family which first conquered and then became the patron of the Allobroges, and Sanga reported the matter to Cicero. The consul instructed the ambassadors, probably through Sanga, to show great zeal for the conspirators, to see all the members, to promise freely, and to do their best to make the evidence against the men as complete as possible. Cicero in his third Catilinarian oration says nothing of any direct communication between himself and the ambassadors; nor, if there had been, was there any occasion for him to let the Roman people know it. It is not likely that he would tell all Rome what he had been doing in secret. The author of the oration, *De Domo*, c. 52, says that the consul designatus L. Murena together with the Allobroges brought to Cicero the evidence of the conspirators' designs.

About this time there was a commotion all over Italy from the plain of the Po to Bruttium, for those men whom Catilina had sent to different parts, showing more zeal than prudence, were holding meetings by night, collecting arms, and by their agitation spreading general alarm. But the danger was not great, and the praetor Q. Metellus Celer acting under an order of the Senate arrested many of these disturbers of the peace and lodged them in prison. There was also a stir in Transalpine Gallia or the Provincia², where C. Murena, the brother of the consul designatus L. Murena, was in command; but all these dangerous symptoms came to nothing, and no large force was raised in support of the rebels except that which was now on foot in Etruria.

The Allobroges following Cicero's directions had a meeting with the other chiefs of the conspiracy, who were called together by Gabinius. The Gauls asked Lentulus, Cethegus, Statilius and also Cassius to give them in writing the terms of the solemn agreement which they would carry to their countrymen, and to place their seals on the writing. Cassius promised that he would visit the country of the Allobroges in

² See page 280, note.

a short time, and he actually left Rome a little before the ambassadors, and so he escaped, whether by accident, or whether he thought it wiser to get out of the way, we cannot tell. The rest suspecting no danger delivered to the Gauls the letters in their own handwriting sealed with their own seals. They forgot or rather did not know that the first rule in all conspiracies is not to let your handwriting appear; but these conspirators were fools. They would have spoiled even a good cause; and theirs was certainly not good. Their active enemy the consul Cicero had the pleasure of seeing some of the men who had given him so much trouble put themselves in his hands with all the evidence of their guilt. Such folly is almost enough to make us believe even the improbable parts of this mad plot, as they are reported. Sallust does not speak of Gabinius being asked for any letters; and this agrees with Cicero (*In Cat.* iii. 5), who mentions no letter of Gabinius.

When the Allobroges were leaving Rome, Lentulus sent with them T. Volturcius of Croton to introduce them to Catilina on their way home, for the purpose of confirming the alliance by mutual pledges of fidelity. He gave Volturcius a letter to Catilina, a copy of which Sallust professes to insert in his history, and Cicero also has it in his third *Catilinarian*. The two letters are the same in substance, but not in words. It is certain that Cicero saw the original. It is in an address to the people (*In Cat.* iii. 5) that he tells them what was in the letter, and on that occasion he may have spoken from memory; but when he wrote out the speech afterwards, we must suppose that he could have given the exact words, if he chose. The letter, which was very short and was not signed, told Catilina that the bearer would let him know who sent the letter: Catilina was reminded of the straits in which he was, of the necessity of vigorous action, and he was recommended to seek for the aid of all, even those of the lowest sort. A verbal message was also sent to this effect: "Since the Senate had declared him an enemy, why did he refuse the help of the slaves? every thing was prepared in the city according to his directions, and he ought to approach immediately."

It was settled that the Allobroges should leave the city on the night of the second of December (In Cat. iii. 2; iv. 5). Cicero, who was informed of every thing through the ambassadors, summoned the praetors L. Flaccus and C. Pomptinus, and gave them orders to lay an ambuscade at the Pons Milvius over which the ambassadors would pass on their way to Etruria. This bridge was on the site of the present Ponte Molle on the Tiber, two or three miles from Rome and on the Via Flaminia. Flaccus and Pomptinus were informed for what purpose they were sent, which was to seize the evidence of the conspirators' guilt: every thing else was left to their discretion. As night was coming on, they went secretly to the bridge and placed their men in the nearest houses, and in two divisions, so that the river and the bridge were between them (In Cat. iii. 2). The praetors had a strong body of resolute men, and Cicero also sent with them some of his guard from Reate. About the end of the third watch the Allobroges with a large number of followers reached the bridge and Volturcius with them, when they were suddenly attacked. Cicero in his report of this affair to the popular assembly on the next day says that swords were drawn on both sides, that the praetors alone knew what was the purpose of this attack, and that Pomptinus and Flaccus stopped the fight which had begun. But this part of Cicero's story is undoubtedly false: the ambassadors knew that they would be arrested, and, as Sallust says, they immediately surrendered¹. Volturcius calling on his companions to fight defended himself until he saw that resistance was useless, and he gave himself up. All the letters with the seals unbroken

¹ In Sallust's ordinary text it stands, and in the latest edition (H. Jordan): "*Galli cito cognito consilio sine mora praetoribus se tradunt.*" But the word "*cito*" has no meaning, and Sallust could not write it, for it appears from his own narrative that the Allobroges must have expected to be arrested. Following the consul's instructions the Allobroges had asked for letters from the conspirators, and had received them. Instead of delivering the letters to the consul before they left Rome, they took with them the letters which they knew that the consul wanted as evidence, and of course they knew that they would be stopped on the road. If it be asked why they did not give up the letters before leaving Rome, we may answer that we are not told, and therefore we do not know. It would not be difficult to suppose many reasons why they were

were delivered to the praetors and brought to Rome with the prisoners.

We have Cicero's direct evidence in his own words as to the way in which he dealt with the conspirators, and we can compare his statements with those of Sallust and other later writers. The consul on the following morning summoned Gabinius, whom he here calls Cimber Gabinius, to his house, and the man came without any suspicion. Statilius and Cethegus were then sent for and they came: Lentulus appeared last. Cicero speaks only of the four who came. Sallust speaks also of one Caeparius of Tarracina being summoned, but he had heard of what had happened and escaped from the city. At the time when the letters were seized Caeparius was making ready to pay a visit to Apulia to stir up the shepherds on the sheep-runs in that country. Some of the chief men among the Romans, whose names are not reported, came to Cicero's house on the morning of the third of December as soon as they heard the news. They advised Cicero to open the letters before laying them before the Senate, for there might be nothing in them, and he would be causing great alarm without any reason; but the consul would not take the advice of his friends, because, as he says, even if the letters should not confirm the information which had been brought to him, he had no fear under the circumstances of being blamed. But if he did not know exactly what was in the letters, there is no doubt that he knew the purport of them, and the names of the writers, which is proved by the fact of his sending for them. He also says that he knew that Volturcius had a letter to Catilina (In Cat. iii. 2).

The Senate was summoned to meet early on the third of December in the temple of Concord, which, we may safely conjecture, was well guarded. In the mean time the consul at the suggestion of the Allobroges sent the praetor C. Sulpicius to visit the house of Cethegus, from which he brought a great number of swords and

ordered to set out from Rome and to go on until they were stopped at the bridge; but such suppositions belong to romance.

daggers. We have two narratives of the examination of the prisoners, one by Sallust which is short, and the other by Cicero. Sallust says: the consul conducted Lentulus by the hand, because he was a praetor, into the temple, and ordered the rest to be brought there under guard. The temple was crowded by the senators, and Volturcius was introduced with the Gallic ambassadors. The praetor Flaccus was there with a "serinium," or case containing the letters which had been delivered to him. Volturcius was questioned about his purpose in leaving Rome, about the letters, and finally what his designs were. At first he invented lies and would say nothing about the conspiracy, but on receiving a promise of pardon he told all: it was only a few days ago, he said, that he had become associated with the conspirators by Gabinus and Caeparius, and he knew no more than the ambassadors, only he had several times heard from Gabinus that P. Autronius, Servius Sulla, L. Vargunteius, and many others were in the conspiracy.—Sallust here says that Volturcius was examined in the presence of the ambassadors, and that after telling all, he concluded by saying that he knew no more than the ambassadors, who had in fact said nothing. If Sallust attached any meaning to his own words, it may be that Volturcius simply referred to the ambassadors, as able to confirm his evidence.—The Galli said the same as Volturcius, whatever it was that he did say; and when Lentulus denied the charge, they convicted him by his own letter and by giving evidence of frequent conversations with them in which he declared his belief that he should be king of Rome, as the Sibylline oracles foretold. All the letters of the conspirators were read after they had severally acknowledged their seals, and the Senate then came to their resolution. Sallust's narrative is evidently an abridgment of some longer report, and like all abridgments it is obscure and unsatisfactory.

Cicero (In Cat. iii. 4) in his report to the popular assembly of the arrest and examination of the conspirators says that he introduced Volturcius into the Senate without the Galli, evidently that the Galli might not hear his examination;

but he does not say whether the prisoners or any of them were present when the evidence of the man was taken. With the permission of the Senate Cicero promised Volturcius a pardon, and after the man had recovered from his fright, he confessed that he had a letter and a message from P. Lentulus to Catilina, which were to this effect, that Catilina should employ the slaves, and advance on the city as soon as he could with an army, to be in readiness, when the city was fired and a large number of the citizens had been massacred, to seize those who should be making their escape, and to join the leaders who were in Rome.

The Galli were now introduced, but still Cicero does not inform us whether the four conspirators were present. The Galli said that they had "an oath and letters," which means letters containing promises made in solemn words, from Lentulus, Cethegus and Statilius to their own people, and that these three men with L. Cassius gave them instructions to send some cavalry into Italy as soon as they could: they further said that Lentulus assured them that it was in the Sibylline books and the answers of the haruspices that three Cornelii should reign in Rome; that Cinna and Sulla were two of these Cornelii, and he was the third. He also said that it was the decree of the fates that this year should bring the ruin of the city and the empire, for it was the tenth year since the acquittal of the virgins and the twentieth since the burning of the Capitol.—This trial of the virgins (B.C. 73) is supposed to be alluded to by Cicero in another place (*Brutus*, c. 67), and it is also conjectured that it may be the affair in which Catilina was implicated, and the vestal Fabia, the half-sister of Cicero's wife (*Sallust*, *Cat.* 15).—If this part of the evidence is true, it proves that Lentulus was no wiser than a conspirator who should now believe in the predictions of an astrologer or a fortune-teller, and that he expected by a revolution to obtain a power like that which Sulla had held.—The letters were now produced, which it was said that the conspirators had severally delivered to the ambassadors; and now for the first time we hear that the prisoners are present. They may have been present before, but as it is not said that

they were, and as Volturcius was introduced first, and the ambassadors after him, the probable conclusion is that the prisoners were introduced after the evidence of the ambassadors was taken. Cethegus acknowledged his seal on one of the letters: the string was cut and the letter read. It was in his own handwriting, an inference apparently derived from the seal, addressed to the Senate and the people of the Allobroges, and contained a confirmation of the promise which he had made to the ambassadors, and a request that the Allobroges would do what the ambassadors had undertaken. Cethegus was struck dumb by the reading of the letter, though he had just before attempted to defend himself against suspicion on account of the arms which had been found in his house: he said that he had always been curious about such things. Here we detect the incompleteness and inaccuracy of Cicero's report about the examination of the prisoners, for he has left us to make the reasonable conclusion that the prisoners had not yet been brought before the Senate and the witnesses, and now he informs us that Cethegus had been charged with having arms in his house and had endeavoured to explain the fact. It is enough to point out this discrepancy, for we shall never know the real truth. We are next informed that Statilius was brought in; from which we conclude that this was his first appearance. Statilius acknowledged his seal and his handwriting. Cicero does not say that Cethegus had acknowledged his handwriting, though he affirms that the letter sealed with his seal was also in his own hand. The letter of Statilius was nearly to the same effect as that of Cethegus, and he confessed. When Lentulus, who is now for the first time mentioned as present, was asked whether he knew the seal on his letter, he said that he did; and Cicero remarked that it was indeed a well-known seal, the likeness of his illustrious grandfather P. Cornelius Lentulus (vol. i., p. 285), a true patriot.

The letter of Lentulus to the Senate and people of the Allobroges was read, and he was asked what he had to say. At first he simply denied his guilt, but some time afterwards, when all the evidence had been produced and reduced to writing (*toto jam indicio exposito atque edito*), Lentulus rose,

says Cicero, as if hitherto he had been sitting in his place in the Senate, and made his defence. He asked the Galli what he had to do with them, why they had come to his house, and he put the same or like questions to Volturcius. The Galli stated briefly and firmly who had taken them to his house, and how often they had been there; and then they asked Lentulus if he had not spoken with them about the Sibylline prophecies, which contrary to all expectation he confessed; for, as Cicero says, he was so overpowered by the evidence of his guilt that not only his oratorical talent, which was great, but his impudence and boldness, which were still greater, failed him too. The surprise of Lentulus at hearing this charge implies that he had not heard it before, and that he was not present when the evidence of the ambassadors was taken. But there was something still in reserve against him. Volturcius all at once called for the letter which, as he said, had been given him by Lentulus for Catilina. Lentulus, who was now utterly confounded, acknowledged his seal and handwriting, and the letter was read. Gabinius was now brought in, and at first he assumed a bold countenance, but finally he denied none of the charges of the Galli. Cicero, as already observed (p. 308), mentions no letter of Gabinius being produced, and we conclude there was none. It is not said what the Galli testified against him, but we must suppose that he was charged with being active in the conspiracy. After this evidence it was hardly necessary to listen to Junius Silanus, a senator, when he said that some persons had heard Cethegus say that three consuls and four praetors were going to be killed. C. Piso another senator made a statement to the same effect. This is from Plutarch.

All this evidence, both questions and answers, as Cicero informs us (*Pro Sulla*, c. 14), was taken down by four senators, appointed by himself, men distinguished for their integrity, memory, skill, experience and quickness in writing⁴. They

⁴ The Romans were expert shorthand writers, as we know, at least after Cicero's time, and Plutarch (*Cato*, c. 23) assigns the introduction of shorthand to the occasion of Cato's speech on the punishment of the conspirators. These men, whom Cicero employed, would certainly use many abbreviations in writing, for the Romans were familiar with them, but they might use abbrevia-

were C. Cosconius, a praetor, M. Messalla, then a candidate for the praetorship, P. Nigidius and Appius Claudius. He observes (Pro Sulla, c. 15) that this evidence though entered in what he calls "*tabulae publicae*," or public records, would still remain in his custody according to antient usage, but he did not keep the evidence to himself: he had it copied immediately by "all" the clerks or copyists, and distributed among the Roman people: nay he distributed it all over Italy and the provinces. When the evidence was complete, the consul brought before the Senate the consideration of the general state of affairs, and there was perfect unanimity. When Cicero was addressing the people on the evening of this day, the *senatus consultum* was not then drawn up, and he could only tell them the substance of it. The thanks of the Senate for this great deliverance were given to Cicero, and to the praetors L. Flaccus and C. Pomptinus. Even Cicero's colleague, C. Antonius, an honourable man, as Cicero now calls him, was commended because "he had kept the conspirators aloof from his own deliberations and those of the State," which is as good an example of words without a meaning as we shall find. But Cicero, as he says in a passage in which he is sounding his own praise (In Pison. c. 3), also received from individual senators testimonials of the service which he had rendered to his country. Q. Catulus, *princeps senatus*, named him in a very full meeting "*parens patriae*," "father of his country;" and L. Gellius, a consular, declared before the Senate that he had merited a civic crown. Plutarch reports more than Cicero, and as we cannot conceive that the orator ever said less than the truth in praise of himself, when an opportunity offered, we may doubt whether the biographer's story is true. However this may be, Plutarch reports that Cato, probably about the end of December, extolled Cicero so highly in a speech to the people that they voted him the greatest honours that had ever been conferred, and called him the father of his country.

tions without having yet a regular system of shorthand. In Roscoe's life of Leo (end of c. ix.) there is a passage about a letter of Bembo to Julius II., in which Bembo speaks of an antient manuscript which, as he supposes, was written in shorthand, and he urges Julius to restore this lost art.

It was declared by a resolution of the Senate that after abdicating his office Lentulus should be given into custody, and also Cethegus, Statilius and Gabinius, all of whom were present: it was also declared that L. Cassius, who was charged with asking for the direction of those appointed to fire the city, together with M. Caeparius, P. Furius, one of Sulla's settlers at Faesulae, Q. Manlius Chilo, and P. Umbrenus should be confined in the same way. Such, says Cicero, was the lenity of the Senate, that they supposed the commonwealth might be saved by the punishment of only nine villains, and the rest might be brought to a wholesome state of mind. Though he speaks of punishing nine persons, he does not say in direct terms what the crime was for which the Senate had pronounced judgment against them, nor does he say what the judgment was, which in fact was not finally at least pronounced until the fifth of December. The crime however we may assume to be that which was proved, the conspiracy with the ambassadors to bring the Galli into Italy. This was the charge against eight of them certainly. Caeparius was charged with the design of stirring up the Apulian shepherds. But only four of these men were present in the Senate-house, and even they had no trial, though Cicero says that they acknowledged their guilt. The other five were not present, but they were condemned with the rest. It is probable that the decree of the Senate was not formally drawn up until the next day, the fourth of December. A supplication or thanksgiving was also decreed in the name of Cicero, the first festival of the kind ever celebrated for services rendered to the city by a Roman in the garment of peace (*togatus*). The terms of the decree declared that Cicero had saved the city from conflagration, the citizens from massacre, and Italy from war. Some critics have objected that it was not a fact that Italy was saved from a war, because, I suppose, there was only a short contest; but this is a frivolous objection, for unless the conspiracy had been promptly crushed, there would certainly have been a civil war, and it actually began. As to the city being saved from conflagration and the citizens from massacre, there is certainly less evidence for either intended burning or

massacre than there is for the prospect of war. Dion (37, c. 36) erroneously fixes this decree after the condemnation of the conspirators on the the fifth of December.

P. Lentulus, says Cicero, abdicated his office, although by the evidence produced, by his own confession and by the judgment of the Senate, he had lost not only his rights as praetor, but even his rights as a citizen (In Cat. iii. 6). But this is not true, and it is even inconsistent; for Lentulus was not tried, and the Senate had no power to condemn him or to deprive him either of his office or of other civil rights; and the absurdity of saying that he had lost his quality of praetor is disproved by the statement that he resigned his office. The result however was, as the consul says, that if they punished Lentulus when he was reduced to a private condition, they would be relieved from the scruples which did not prevent C. Marius from putting to death the praetor Glaucia, against whom the Senate had made no special decree. Thus on the third of December the consul clearly intimates that Lentulus might be put to death. In this reference to Glaucia, Cicero, as he often does, perverts the historical facts, as we know them (vol. ii., p. 119). The abdication of Lentulus was necessary before he could be punished during the term of his office. When Appian (B. C. ii. 5) says that the Senate deprived Lentulus of his office, he is mistaken, if he supposed that this was literally true. Dion also (37, c. 34) states that the Senate compelled Lentulus to abdicate his office; but he does not say how he was compelled. Lentulus was given up to the charge of P. Lentulus Spinther, who was then an aedile; Cethegus to Q. Cornificius; Statilius to C. Caesar, then praetor designatus; Gabinius to M. Licinius Crassus, and Caeparius, who had been caught and brought back, was put into the hands of Cn. Terentius, a senator.

In the evening after the sitting of the Senate, Cicero addressed the people in his third Catilinarian oration. He began (c. 1) by declaring that the commonwealth, their lives, their property, their wives and children, that Rome itself, through the unbounded love of the gods to the Roman citizens, and by the exertions, the prudence and at the hazard of their consul, had been rescued from fire and sword, nay

almost from the jaws of fate, and preserved and restored to the citizens. After this beginning he repeats in exaggerated language the assertion, which he often makes, that there was a design to burn the whole city. He then tells in his own way, with such omissions as suited his purpose, the story of the conspirators tampering with the Allobroges, the seizure of the letters, and the examination and committal of the prisoners, as it has been already stated. He affirms what he had said before, and apparently he tells the truth, that if he had not driven Catilina to open rebellion, he would not easily have rid Rome of danger. A man of Catilina's caution and daring would never have allowed such evidence of his guilt to appear as these fools and madmen had done whom he had left behind him in the city. We have in this chapter (c. 7) a clear admission that so long as Catilina remained in Rome, Cicero had never been able to discover such evidence against him as would have justified his apprehension. Cicero had indeed through Fulvia learned something that she heard from Q. Curius, but if Cicero knew no more, he behaved prudently in not acting on such information. He then alludes (c. 8) to the manifest interposition of the gods in these dangerous times, as proved by signs on the earth and in the heavens during his consulship, and in the previous consulship of Cotta and Torquatus (B.C. 65), when the Capitol was struck by lightning, the statues of the gods and the antient worthies were thrown from their pedestals, and the tablets of bronze which contained the laws were melted: even the bronze gilt figure of the wolf in the Capitol suckling Romulus and Remus was scathed by the fire of Jupiter (*De Divin.*, ii. 20). At that time the haruspices from all Etruria being consulted foretold massacre, and burning and civil war and the ruin of the empire, unless the gods were appeased; and conformably to the advice given by these interpreters of heaven games were celebrated for ten days, and nothing was omitted that might pacify the gods. The haruspices also advised the erection of a larger statue of Jupiter, which should be placed in a lofty position and turned to the East, so that it would command a view of the rising sun, and the Forum and curia; and if this were done, they had good hopes that those designs

which were secretly formed against the city and the empire would be placed in such light that they could be clearly seen by the Senate and the Roman people. The consuls Cotta and Torquatus made a contract for the erection of this statue, but the work went on so slow that it was not finished until Cicero's consulship, and it happened that the statue was put in its place on the morning of this very day. And is it not, the consul asks, a plain proof of the interposition of Jupiter that just at the time when by his order the conspirators and the informers were taken through the Forum to the temple of Concord, the statue was being put in its place? As soon as the statue was fixed and turned to the people and the Senate, all the designs against the State were made clear. He concludes that the conspirators are the more odious and worthy of punishment, because they were not satisfied with designing to burn the homes of the people, but they intended to involve the temples of the gods in the same horrible and wicked conflagration (c. 9).

After modestly declaring that it was not himself who had overpowered the conspirators, but it was Jupiter who saved the Capitol, the city, the temples and all the citizens, he says that under the guidance of the immortal gods he had succeeded in obtaining evidence of the conspiracy; and that such a weighty matter would never have been intrusted by Lentulus and the rest to barbarians whom they did not know, and letters would never have been put in their hands, if the immortal gods had not deprived these audacious villains of all prudence. It is a true remark that a man's prudence is often much less than his wickedness, and so he fails in his designs. But when Cicero represents the gods as depriving bad men of foresight, he is alluding to a doctrine which is often expressed by Greek writers, was accepted by the Romans, and is incorporated in the theological notions of modern nations. The Deity wills some men's ruin and takes the means of accomplishing it. It may be said that as these men were so wicked, it would be consistent with the notion of providence that they should not be allowed to accomplish their abominable purpose, and the gods by depriving them of foresight prevented them from doing what they intended.

But on the other hand it may be urged that if they had possessed ordinary foresight, they would never have formed so foolish a plot, and so the want of sense was the beginning of all the mischief; and thus, as Euripides says, when the deities are angry with a man, they take all understanding from him, and pervert his judgment, so that he knows not when he is doing wrong.

The orator concludes his speech with exhorting the Romans to celebrate the religious festival with their wives and children (c. 10). For his own services he asks for no reward, no memorial, except the eternal remembrance of that day (c. 11). He will live in the minds of his fellow-citizens; in men's talk, in books his acts and his name will be perpetuated. He knows that the same day, which he hopes will never be forgotten, has secured the salvation of the State and the remembrance of his consulship; and it will never be forgotten that in this commonwealth of Rome two citizens lived at the same time, one of whom had the fortune to "determine the boundaries of the Roman dominion, not by the regions of the earth, but by the celestial divisions," and the other to preserve the seat of empire.

After this extravagant and fantastic allusion to his illustrious friend, the conqueror of Jerusalem, whom we shall soon see again, he observes that unlike the generals who have conquered foreign nations, he must live among those whose schemes he has frustrated, and it is the business of the Roman people to see that he does not suffer for it (c. 12). But indeed his enemies can do him no harm, for he is protected by all honest people, by the commonwealth, and by the power of conscience which will make his enemies betray themselves. He has acquired the highest honour that the people can confer, and the greatest glory which is attainable; and he will always act in such a way as to show that his past acts are due to his own merits and not to chance. "Fellow-citizens, as it is now dark, after offering your prayers to Jupiter, to him who guards the city and you, depart to your homes, and though the danger is now warded off, protect them vigilantly as you did the night before. That you shall have no occasion to do this much longer and that you may

live in perpetual tranquillity, this shall be my care, fellow-citizens."

Sallust (Cat. c. 48) informs us that the common sort being desirous of a revolution were at first ready for war and, as we may suppose, a general rising against those who held the power; but now they changed their minds, they cursed Catilina, they extolled Cicero to the skies. War might bring some booty and profit, but the design of burning the city, which would have destroyed the little that they had and would also have endangered their lives, did not please even the turbulent citizens of Rome. Cicero in his speeches perpetually dwells on this matter, and whether the charge was true or not, it answered his purpose that it should be repeated till it was believed.

Cicero was conducted by the people to the house of a friend to pass the night, for his own house was occupied by the women who were celebrating the mysterious rites of the goddess named the Bona Dea, where men could not be present. Plutarch (Cic. c. 19, 20) who looked out for anecdotes, found, for we cannot suppose that he invented, a story of Cicero deliberating this night with a few friends about the punishment of the conspirators. While he was doubting whether he should inflict the extreme punishment which was due to their crimes, the women who were sacrificing had a sign. The fire on the altar seemed to be extinguished, but all at once it sent forth from the ashes a brilliant blaze. The women were alarmed, all except the sacred virgins who as usual were present on this occasion. They urged Terentia, Cicero's wife, to go to her husband and to "tell him to take in hand what he had resolved on behalf of his country, for the goddess was displaying a great light to lead him to safety and honour."

Terentia reported this message to Cicero and urged him to punish the conspirators. This, adds Plutarch, was also the advice of Cicero's brother Quintus and P. Nigidius, one of Cicero's philosophical companions. If the story is true, it is easy to suggest that this matter was arranged between Cicero and his wife in order to prepare

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men for what followed: but it is better to leave such reflections to the reader, who may have already conjectured that the fixing of the great statue on its pedestal on the third of December was not an accidental coincidence.

CHAPTER XV.

THE FIFTH OF DECEMBER.

B.C. 63.

P. SESTIUS, as we have seen, was sent to Capua to restore order in that place. Though he was the quaestor of the consul Antonius, he acted under Cicero's orders, for Cicero says in his speech for Sestius (c. 4) delivered in B.C. 56, that after Sestius had released Capua from alarm, and the Senate and all the honest men in Rome under Cicero's guidance had saved the city from the greatest danger by seizing and crushing the enemies within the walls, he summoned Sestius to come to Rome with the force which he had. Cicero calls this force an army. As soon as Sestius received the letter, he came with wonderful speed; and by his arrival he checked the attacks which the new tribunes of the people and the partisans of the conspirators were making upon Cicero's acts during the remaining time of his consulship. But the vigour of the tribune M. Cato, who took an active part in public affairs, soon proved that the Senate and the people of Rome could easily protect themselves without the aid of soldiers, and Sestius set out to join his consul Antonius who had been sent forward against Catilina.

This narrative shows that Cicero summoned an armed force to Rome after he had seized the conspirators, as he says, but we may conjecture that he sent for it as soon as he had resolved to seize them, or as soon as he knew that he should have their letters to the Allobroges in his hands. We are not informed on what day Sestius reached Rome, but we may perhaps infer (*Pro Sestio*, c. 5) that he was there on

the tenth of December, the day on which the tribunes for the year B.C. 62 entered on their office, and he stayed in Rome till he left the city to join Antonius.

The Senate met again on the fourth of December, and this is probably the day on which the resolution mentioned by Sallust (Cat. c. 50) was made to this effect, that the prisoners were enemies to the State (*contra rem publicam fecisse*). At this meeting one L. Tarquinius was brought into the Senate (Cat. c. 48). It was said, but it is not stated who said it, that this man was taken as he was going to Catilina. He declared that he was ready to give information about the conspiracy, if he had a promise of pardon; and the consul told him to speak out. The Senate must have had great difficulty in procuring evidence against the conspirators, when they were ready to listen to such a fellow, who told them nearly the same as Volturcius about the design of burning Rome, the massacre of honest folks, and the journey of the Allobroges to Catilina¹, but he had something new to tell. He said that he was sent by M. Crassus to encourage Catilina not to be alarmed at the arrest of Lentulus, Cethegus and others; he should the rather on this account hasten to Rome, that his partisans might be kept in good heart and the prisoners more certainly be rescued. Some of the senators did not believe what the man said about Crassus; others, who did believe him, thought it imprudent to attack so wealthy and powerful a man at so critical a time; and many who were debtors of Crassus, or under pecuniary obligations to him, exclaimed that Tarquinius was lying and called for a vote of the Senate on this matter. Accordingly the consul Cicero put the question to a full Senate, which resolved that the evidence of Tarquinius was false, and that he be kept in prison and not heard again until he confessed who had induced him to tell so monstrous a lie. The truth about this matter was never known, but people guessed. Some supposed that the thing was planned by P. Autronius, the bribing consul who had lost his office (B.C. 66), and with this view, that if Crassus were charged with conspiracy he might save his

¹ The words "*de itinere hostium*" are obscure. I think Drumann mis-translates them: "*Die Bewegungen der Feinde im Felde.*"

companions in danger by his influence. Others said that Tarquinius was suborned by Cicero, that Crassus might not disturb the State by taking up the cause of bad men, which was his fashion. Sallust says that he afterwards heard Crassus say that it was Cicero, who fastened on him this scandalous imputation; but if Crassus did believe this, we have no reason for believing it. No man in his senses could expect to punish Crassus for an alleged participation in the conspiracy, and as Cicero certainly did wish to put his prisoners out of the way, he would have destroyed all chance of doing it by such an attack on Crassus, to whose custody one of them was committed. Whatever intrigues this rich noble might be engaged in, it was not consistent with his character to plot the murder of his fellow nobles, or to join in a plan for firing a city in which he was a large house proprietor. Plutarch has the same story of Crassus (c. 13) being charged by a man (probably this Tarquinius) as being implicated in the conspiracy, with the addition that Cicero, in an oration published after the death of Crassus and Caesar, evidently imputed to both of them participation in the plot. Plutarch may have misunderstood Cicero, but if he did not, we cannot believe the charge, for we have no other evidence for it, and probabilities are against it. Indeed Plutarch helps to discredit his own story by adding that Cicero in the work on his consulship says that Crassus came to him by night and brought a letter which contained information about Catilina's conspiracy.

As to Caesar also Sallust has a story beginning after his fashion with the vague words "at the same time Q. Catulus and C. Piso could not either by entreaties, or influence or money induce Cicero to allow C. Caesar to be falsely accused by the Allobroges or some other informer" (c. 49). It appears from Sallust's narrative that "at the same time" can only mean the third, the fourth or the fifth of December. Piso was an enemy of Caesar (p. 267), and Catulus hated him because he was elected Pontifex Maximus in place of himself. It seemed a favourable opportunity for injuring a man who by his profuse expenditure was loaded with debt. If these two nobles were mean enough to attempt this abominable crime, we do not believe that Cicero would listen to such proposals,

nor that he could be so foolish as not to see that he would ruin himself if he followed these men's advice. Accordingly Sallust says that he rejected the proposal, and then these two nobles went about reporting what they said that they had heard from Volturcius and the Allobroges, though it was only their own lying invention, and they stirred up so much ill-will against Caesar that some Roman Equites, who were keeping guard about the temple of Concordia in which the Senate was meeting, threatened Caesar with their swords as he was coming out. We might suppose that this is the same story which Suetonius tells of Caesar (c. 14) being threatened on the fifth of December; and it may be, but nobody can tell on what day Sallust supposed that this event happened. The vague notices that we find of Caesar being implicated in the conspiracy are no evidence; and if we merely judge from the circumstances nothing is less likely than that the Pontifex Maximus of Rome, now praetor elect, with the prospect of the consulship before him, a man of ability and good sense, was conspiring with a set of fools for some object which nobody ever discovered.

In the sitting of the fourth of December rewards were given to Volturcius and the ambassadors (Cat. c. 50), most ample rewards, as Cicero assures us (In Cat. iv. 3), without saying what they were; but the nation of the Allobroges did not get what they wanted, and they revolted soon after.

It appears that the night of the third of December passed quietly, but there were signs of uneasiness on the following day, when it began to be suspected that Cicero would execute the design, which he had hinted at not very obscurely, the execution of the prisoners. Accordingly many both slaves and free men were combining to rescue Lentulus and the others who had been seized. Cicero (Dion 37, c. 35) hearing of the design took possession of the Forum and the Capitol with an armed force, which remained there all night. On the following morning the fifth of December he commanded the citizens to take the oath to the praetors and give in their names if their services should be required. This statement of Dion is confirmed by Cicero himself (Phil. ii. 7).

There can hardly be any doubt that fears were entertained

on the fourth and on the following day that a rescue would be attempted. Sallust (*Cat. c. 50*) reports that while the Senate was giving the rewards to Volturcius and the Allobroges, and we know that this was on the fourth, some of the freedmen and a few of the clients of Lentulus were going about different parts of the city to induce the artisans and slaves to rescue Lentulus, while others were looking out for the men who were accustomed to put themselves at the head of the rabble and were ready for money to disturb the peace of Rome. Cethegus also contrived to communicate with his slaves and freedmen, who were well practised in deeds of audacity, and he begged them to arm and in a body to come to his rescue. In a large city filled with freedmen, slaves, and others of desperate character, an attempt to rescue the prisoners might be made in the night with some chance of success and little fear of detection. Cicero, as Sallust says, knew what was preparing and placed his men in readiness to prevent any disturbance. There was danger then both on the night of the fourth and on the fifth when the Senate were deliberating about the prisoners, for Appian (*B. C. ii. 5*) found somewhere a story that the slaves and freedmen of Lentulus and Cethegus attempted to rescue them during the debate and that Cicero hearing of the attempt ran out of the Senate-house, and after setting men in proper places to prevent the rescue, came back and hurried the decision about the conspirators.

We are not informed whether there was any deliberation in the Senate on the third or the fourth of December about the punishment of the men who had been caught; but Cicero (*In Cat. iv. 6*) states that on the third L. Caesar, who had been consul in B.C. 64, declared that Lentulus ought to be put to death, though Lentulus was then the husband of L. Caesar's sister Julia, formerly the wife of M. Antonius Creticus. Lentulus was present and heard what his brother-in-law said. It is certain then that there had been talk about the punishment of the prisoners before the fifth of December, and Cicero in his third *Catilinarian* had plainly hinted what the men might expect. The offence with which they were charged was treason, and they might have been tried by a regular court, but there is no evidence that either Cicero or any one else,

unless it be C. Caesar, ever thought of giving the prisoners a fair trial. The Senate had no power to sit as a court; nor could they name a special commission to try the prisoners, as they had done in time past, for this power or assumption of power had been taken from the Senate by the Lex Sempronia (vol. i., p. 257). Cicero indeed (In Cat. iv. 5) said that the Lex did not apply to enemies of the State, which of course every body knew, and he maintained that the prisoners were not citizens, and that they were enemies. If his argument was admitted, nothing could be more simple than the conclusion: they are enemies, and they should be treated as enemies. It was his merit or his blame to bring the question in this form before the Senate, and the Senate had the merit or the blame of giving the answer. But if the men were citizens, as every body knew that they were, Cicero attempted by a mere trick of words to deprive them of the protection of the Lex Sempronia, to which he had eloquently appealed when he charged Verres with sentencing a Roman citizen to be fastened down in the public place of a Sicilian town, whipped with rods, and then crucified (Verr. ii. 5, c. 63). And again in the speech for Rabirius he had said (c. 4): "C. Gracchus carried a law that no Roman citizen should be tried (*judicaretur*) on a capital (in the Roman sense) charge without the consent of the Roman people;" from which passage some persons have formed the absurd conclusion that this Lex Sempronia had fallen into desuetude, whereas the words of Cicero prove that it had not.

There would have been some show of truth in arguing that the Lex Sempronia was suspended by the extraordinary powers conferred on the consuls by the resolution of the twenty-first of October. Indeed it might have been urged that as Catilina and Manlius, who were in arms, were declared enemies to the State, and the evidence against the prisoners proved to the satisfaction of the Senate that they were in communication with Catilina, it would have been consistent to treat them also as enemies and consequently to put them to death without delay.

There is however no passage in the fourth Catilinarian which alludes to this dictatorial power, of which Cicero speaks

so bravely in the first Catilinarian, and affects to blame himself for not using it. But circumstances were changed. He had now the men in his power, and it is a fair conclusion from all that he did and said, that he wished to put them to death. But it is easier to talk boldly than to act boldly, and he prudently submitted the matter to the Senate and affected to act under their order.

The history of this debate is not free from doubt, for the antient authorities are both confused and contradictory; but we must follow Sallust and Cicero. In a letter of Cicero to Atticus (xii. 21), supposed to have been written in B.C. 45, mention is made of a work of M. Brutus in praise of his uncle M. Cato, in which work this debate is spoken of, and Cicero remarks that Brutus is shamefully ignorant in the matter. Brutus thinks that Cato was the first who proposed the capital punishment of the conspirators; but Cicero says that all those who spoke before Cato had done so, except Caesar; and though the opinion of Caesar, whose turn for speaking was among the *Prætorii* (he was then *Prætor designatus*), was in favour of a severe punishment, Brutus thinks that the opinion of the *consulares* had been for a milder sentence. Cicero then enumerates the "*consulares*," who had given their opinion before Caesar: they were Catulus, Servilius, the Luculli, Curio, Torquatus, Lepidus, Gellius, Volcatius, Figulus, Cotta, L. Caesar, C. Piso, M'Glabrio, and the consuls elect Silanus and Murena, sixteen in all. Neither the name of Hortensius nor that of M. Crassus appears in this list. It is not likely that Cicero attempted in a letter to give the names of the "*consulares*" in the order in which they spoke, nor indeed is it probable that he could remember the order so long after B.C. 63. The fact of Silanus and Murena being named after all the *consulares* is explained by Cicero's own words: they were only "*consules designati*." There is no reason then to think that Cicero's letter contradicts Sallust (*Cat. c. 50*) and Appian who say that in this debate D. Junius Silanus was first called on to give his opinion, because he was a consul elect. It was at this time the fashion for the presiding consul to call on any senator that he chose to give his opinion first, and

Cicero called on Silanus, if not for the reason which Sallust mentions, for some other reason which seemed to him sufficient, to say what ought to be done with the prisoners. Silanus gave his opinion that not only the men who were in custody, but also L. Cassius, P. Furius, P. Umbrenus, and Q. Annius, whom Cicero names Q. Manlius Chilo, if they should be caught, ought to be put to death. Sallust says nothing of the opinions of the "consulares," which were given before Caesar spoke. He simply says that when it came to C. Caesar's turn, and his opinion was asked by the consul, he spoke to the following effect (Cat. c. 51).—"Those who deliberate on difficult matters ought to be free from the influence of hatred, friendship, anger and compassion, for the mind does not easily see the truth, when these feelings stand in the way; and no man ever followed his passion and his true interest at the same time." He then mentions cases in which their ancestors had acted wisely instead of doing what their passion prompted, and had considered what it was worthy of themselves to do rather than what they could justly do to others. And so they ought to act in the case of Lentulus and his accomplices. If a punishment equal to their crimes can be devised, he is ready to approve of this unusual way of proceeding, by which he means putting men to death without trial; but if their crime surpasses all punishment that men's wit can devise, then they ought to inflict the penalties which are fixed by the laws. Those who spoke before him had discoursed eloquently of the miseries of a civil war, but what was the use of such talk? Could words move those who were not already moved by the crime of the conspirators? If men in an obscure condition commit any fault in their passion, few persons know anything about it; but when men hold great power, all the world knows what they do. Accordingly the great and powerful have least liberty to do as they please. Again he declares that no tortures are enough for the crimes of the conspirators; but most men only think of what has happened last, and when the wicked are punished, they forget the crime and talk only of the penalty, if it has been rather severe. Silanus had given his opinion honestly and only with a view to the

interests of the State; his proposal was not cruel, for what could be cruel in the case of such men? but his proposal was foreign to the constitution of the State. It was either fear or the criminal act of these men which moved Silanus to propose a new (an illegal) kind of punishment. But it could not be fear because the activity of the consul protected them by a sufficient armed force. As to the proposed penalty, the truth is that death is a relief from sufferings, not a punishment: it is the end of all evil; beyond death there is neither pain nor pleasure. But why, he says to Silanus, have you not proposed to whip the men before they are put to death? Was it because the *Lex Porcia* forbade the whipping of a Roman citizen? But there are other laws which forbid condemned citizens to be put to death and allow them to go into exile. Or was it because whipping is a severer punishment than death? But what is too severe for men who have been convicted of such a crime? Was it because whipping is a slighter punishment than death? But then, where is the consistency in observing the law in the smaller matter and breaking it in the greater? It may be replied, who will blame what is done to men who are traitors to the country? Why time, every day as it comes, fortune, whose caprice rules mankind. They indeed will well deserve whatever shall befall them, but you ought to consider what a precedent you are establishing. All precedents which are bad have had their origin in precedents which were good; but when power has come into the hands of those who have no understanding or who are not so good, the new precedent is transferred in its application from those who deserve punishment to those who do not. Caesar explains what he means by referring to the conduct of the Thirty at Athens and of Sulla at Rome, who began by putting to death without trial some villains who well deserved punishment, and ended by murdering good and bad indiscriminately. Caesar has no fear that this will happen under the consulship of Cicero nor at this time; but in a powerful state like Rome, and under another consul, who like Cicero has an army at his command, something that is false may be believed, and when a decree of the Senate founded on this precedent shall empower the consul to draw the sword,

who shall fix bounds to what he will do or keep him within the limits of moderation?

Our ancestors, says Caesar, were never deficient either in prudence or in daring, nor did pride prevent them from adopting the practices of other nations, if they were good. As an instance of this Caesar says that they accepted the Greek fashion of punishing by whipping, and putting convicted criminals to death.—This is a strange assertion, for whipping and capital punishment were genuine old Roman practices.—In the course of time, Caesar continues, the Porcia and other laws were enacted, by which laws convicted criminals were allowed to go into exile; and he thinks that this reason for not adopting unusual measures in the present case is particularly strong.—He means what he has just said of their ancestors having practically abolished the punishment of death. It is an argument founded on the wisdom of their ancestors, for he adds: “in virtue (Roman) and wisdom those, who out of small means established so great a dominion, are superior to us of the present day who hardly keep what they nobly acquired.” He concludes thus: “Is it my opinion then that the men should be let loose and allowed to increase Catilina’s army? By no means; but my proposal is this: that their property should be seized for the use of the State, that the men be kept in chains and distributed among the richest and most powerful Municipia¹, that no man hereafter make any motion in the Senate or address the people about them; and if any man should do so, that the Senate declare that he will be acting against the State and the general interests.”

Cicero’s statement (Cat. iv. 4) of Caesar’s opinion is the same as Sallust’s, but he adds, what Sallust omits, that Caesar proposed to lay heavy penalties on any town from which a prisoner should escape. Suetonius (Caesar, c. 14) simply says that Caesar proposed to distribute the prisoners among certain Italian towns, where they should be kept in prison, and that their property should be seized by the State. Appian (B. C. ii. 5) who erroneously supposes that Tiberius Nero

¹ At this time Municipia were Italian towns, which were not Roman or Latin colonies.

spoke before Caesar, says that Nero proposed to keep the men in prison until Catilina was defeated and until they could learn all the facts about the conspiracy. He also says that Caesar proposed that Cicero should place the men in such cities as he should approve of until Catilina was defeated, when they should be brought before a regular court, and that no extreme measures should be taken against men of rank without giving them a trial. We cannot suppose that Appian invented all this. He must have found it somewhere. Plutarch (Caesar, c. 7) in substance agrees with Appian, neither of whom says any thing about confiscation, which however Plutarch mentions in his life of Cicero (c. 21). But it is a manifest inconsistency, as it stands in the life of Cicero, to speak of confiscating the men's property, and also keeping them confined till Catilina was defeated, for in these words it is clearly implied, though it is not expressed, that they should then either be tried or released.

If this speech is entirely Sallust's work, it has little value. We do not care to read what he thought fit for Caesar to say. But if Caesar's speech was preserved, and Sallust used it, perhaps he has given us the arguments, though not the words of the speaker. There are thoughts in this address to the Senate, which are worthy of Caesar's ability; but there is also a feebleness and inconsistency in the whole, which may be due to Sallust, or if that supposition be rejected, due to the difficult position of the speaker, himself a suspected man, and to his wish to save the lives of the prisoners. Caesar admits the guilt of the men, of all the five men, though as far as we know the proof against Caeparius was not so strong as against the other four, and it is not said that Caeparius was ever confronted with his accusers. Once, and once only, Caesar distinctly says that the men ought to be punished according to law; but only because it was not possible to devise a punishment equivalent to their guilt. If such a punishment could be invented, he would vote for it, though it would be contrary to law. Yet soon after he argues against a severe penalty, because men think only of what happens last: they remember the punishment of a bad man, and forget his crime. Another reason that he urges for not putting the

prisoners to death is this: death is the end of all things, and as he had said that no punishment is sufficient for the crime of the prisoners, he could only be consistent by proposing to let them live and to make them suffer. He does not mention the *Sempronia Lex* by name, nor does he directly deny the competence of the Senate to act as a court; nor does he refer to the right of appeal to the people from the judgment of the Senate. He argues well against the dangerous precedent which would be established by the punishment of the prisoners by a vote of the Senate; and yet after all this, he ends his speech, according to Cicero and Sallust, by proposing that the prisoners should be kept in perpetual confinement, and their property should be seized by the State. Thus the man who admits that it would be illegal to put the prisoners to death, himself proposes to rob them of their property, imprison them for life and reduce their families to beggary. Such an atrocious proposition from a man of sense, whether made under the pretext of inflicting a punishment severer than death, or a punishment milder than death, as some persons strangely suppose it to be, is absolutely incredible, except on one supposition. If the men's lives were spared for the present, it would be very possible after a short time or at least in another consulship, which could not be far distant, to release them from prison and to restore their property. Now this, which is the only rational explanation of Caesar's proposal, comes very near to what Appian and Plutarch in his life of Caesar have reported.

We do not know the rules of a debate in the Senate, for Varro's work on the subject is lost (p. 48). It is probable that this debate was not conducted with great regularity under the circumstances, but it began as a matter of course by Cicero bringing before the Senate the matter of the five conspirators. It was not his business to make any formal motion, but to call on the senators in a certain order to deliver their opinions and to make such motions as they pleased. In accordance with what rule Cicero spoke at that time in the debate when he did speak, we do not know, nor whether he spoke against rule, but he made no motion himself in his speech, nor is there any indication in it that he expected any other motion to be

made, except that which had been made for the execution of the prisoners and accepted by all the "consulares," and the motion of C. Caesar. This oration is a strange speech, and it has given rise to much discussion and difference of opinion. It has also been contended that it is not genuine, but the arguments on that behalf, such as they are, can only be discussed in a literary essay. It is certain that Cicero spoke more than once on this occasion, for he must have said something when he laid the subject of debate before the Senate; but we possess only one speech.

He begins by saying (c. 1) he sees that all eyes are turned upon him; he sees that the senators are uneasy about the danger to themselves and to the State, and that even if this danger should be averted, they are anxious about his safety. But they should not think of him: they should think of themselves and their children. He has endured much in his consulship, his life has been often in danger, but he is content if he has saved his country, and he is ready to endure whatever may befall him. Again (c. 2) he tells them to take care of themselves, their country, their wives, and families, but not to think of him. He believes that the gods, who guard the city, will reward him according to his deserts, but if it should so happen, he is ready to die. He is not indeed so unfeeling as to be unmoved by the sorrow of his brother who is present, and by the tears of all those by whom they see him surrounded: he thinks of his trembling wife at home, his terrified daughter, his infant son, and of his son-in-law who was standing there in sight waiting for the result of the debate. He is indeed moved by all these considerations, but moved to make an effort that his family may be saved with all who are present, even if he himself should die, rather than that his wife and children and all whom he is addressing should perish with the State. He reminds the Senate that they have in their power the men who stayed in Rome to burn the city, to murder all of them, and to receive Catilina. The proof is complete against the men, and the Senate has their confession.

On these matters they have already repeatedly given their opinion (c. 3): first by a vote of thanks to him for discovering

the conspiracy; second, by compelling P. Lentulus to resign the praetorship; third, by giving into custody Lentulus and the rest of the conspirators, on whom they had already passed their opinion; fourth, by the vote for a thanksgiving to commemorate Cicero's services, an honour never before conferred on any Roman for civil merit; finally, by the ample rewards which they conferred the day before (the fourth of December) on the ambassadors of the Allobroges and Titus Volturcius. From all this, he says, it may be certainly concluded that those who have been given into custody have been condemned by the Senate.

However he had determined to bring the matter forward again, as if nothing had been done, and to ask for their judgment on the facts, and on the penalty which they would inflict; but he will first say a few words as consul. He had long seen that great mischief was going on in the State, but he did not think that so pestilent a design was entertained by citizens. Now, whatever be the opinion and resolve of the Senate, they must determine before nightfall. They know the men's crime; and they ought to know that the prisoners have numerous accomplices in Italy, beyond the Alps and in many of the provinces. The mischief must in some way be immediately checked.

So far (c. 4) he has heard two proposals, one by D. Silanus which is to put the prisoners to death; the other by C. Caesar, who does not propose death, but is ready to inflict any other even the severest punishment. Silanus would at once deprive the men of life. Caesar is of opinion that the gods have not made death a punishment, but that it is either a necessity of man's nature or the end of his troubles and misery. Chains and perpetual imprisonment are in truth the special punishment for abominable crimes; and Caesar proposes to imprison these men in certain Municipia. But there may be some unfairness, says the consul, if we impose this burden on the Municipia; and some difficulty, if we ask for their consent. However if the Senate accept Caesar's motion, Cicero will do his best to execute it. Perpetual imprisonment, which Caesar proposes, will deprive the men even of hope, the only remaining consolation in misery. Caesar takes away their

property too: he leaves them nothing but their life; and if he had taken that away, he would by one pang have saved them from many mental and corporeal tortures and all the suffering due to their crimes. It was for this reason, that the wicked might have something to fear while they are alive, that people in antient times imagined certain punishments in the other world for the wicked, for they well knew that if the dread of these punishments were removed, death itself would not be a thing to fear.

Cicero (c. 5) now sees what his own personal interest is in the decision of the Senate. If they adopt the motion of C. Caesar, who belongs to what is considered the popular party, perhaps Cicero will have less reason to fear any attacks from the people; but if the other motion is accepted, he is inclined to think that more trouble is in store for him. But let the interest of the State be considered more than his danger. Yet even Caesar's proposal is a kind of security for his undeviating fidelity to the State, and evidence of a truly popular disposition, a disposition that looks to the interest of the people. Cicero says that some one, or perhaps he means several, of those who aspire to be considered popular, are keeping away from this meeting, and, as he supposes, for the purpose of not voting; though he or they joined in all the votes of the third and fourth of December. Now there can be no doubt that if a man has voted to put the prisoners in confinement, to thank him who detected the conspiracy, and to reward the informers, he has already given a judgment on the whole matter. Indeed C. Caesar knows that the *Lex Sempronia* was intended to apply to Roman citizens only, and that if a man is an enemy to the State, he cannot be a citizen; and further, that he who proposed and carried the *Lex Sempronia* was put to death by the authority of the people². Caesar does not think that Lentulus, who distributes his money so freely, can be called popular when he is planning the ruin of the people; and though Caesar is a man of the mildest temper, he proposes to consign Lentulus to

² So it stands in the text of Cicero (*jussu populi*), which some critics have proposed to write "*injussu populi*," for the purpose of making Cicero's statement true, as they suppose.

eternal darkness and chains, to provide that no man shall seek popularity to the injury of the State by attempting to alleviate his punishment; and by taking away the prisoner's property he adds to all his torments the misery of extreme penury.

If then (c. 6) they shall vote for the motion of C. Caesar, they will give him a man who will support him before the popular assembly, a man who is dear to the people: if on the contrary they shall follow the opinion of Silanus, they will easily defend him and themselves from the imputation of cruelty, and he will maintain that this is the milder punishment; though in truth there can be no cruelty in punishing so great a crime. Indeed he himself is not moved to inflict a penalty by any harshness of temper, for who has a milder disposition than himself? but he is moved to an unusual degree by a feeling of humanity and pity. He then draws a picture of the horrible confusion and cruelty that would follow, if the conspirators succeeded in their designs; and it is because such consequences appear to him so terrible, that he would show severity towards the men who would commit such crimes. He maintains that a man is hard-hearted and unfeeling, if he does not soothe his anguish by the pain which he inflicts on him who is the cause of his suffering. So they will be considered mild and merciful, if they show the utmost severity to those who have conspired to murder them and all their families, to burn their houses and to overthrow the State; but if they remit any thing of their vengeance, they must bear the imputation of being guilty of the greatest cruelty to their country and their fellow-citizens. He does not suppose L. Caesar will be called cruel who on the third of December declared that his brother-in-law Lentulus ought to be put to death, and at the same time remarked that his grandfather M. Fulvius Flaccus and his young son had been executed by order of the consul (vol. i., pp. 285. 287). But the designs of C. Gracchus and Fulvius were very different from those of the conspirators.—Cicero is perhaps not accurate in what he says of the affair of C. Gracchus; and again near twenty years later he tells the same story with variations (Phil. viii. c. 4).

Here (c. 7) the orator remarks that certain murmurs reach

his ears from those who doubt if he has power to execute the resolutions of the Senate. He assures them that every thing is ready to maintain the authority of the State. Men of all conditions, of all ages are there. The Forum is full, all the temples about the Forum are full, all the approaches to the Senate-house are crowded. All are united for the common interest. What need is there to mention the Equites, who concede to the Senate the highest rank and the first place in deliberation, but rival them in affection to the State? who after many years of separation have returned to friendly union with the Senate, which union the present day and this common danger will confirm. Indeed if this union, which had been strengthened in his consulship, should always be maintained, he can safely promise them that no internal danger shall ever disturb the State. Equally zealous are the *tribuni aerarii*, and the whole body of *scribae*. All the free-born Roman citizens are present, even the poorest. The whole body of freedmen also is zealous in the interest of the State (c. 8). There is not even a slave, if his condition is tolerable, who does not desire the preservation of the commonwealth. If any senator is disturbed by having heard of a certain pimp of Lentulus hurrying about the shops, with the view of stirring up by bribes the needy and ignorant, it is true that the attempt was made, but none were found so wretched or so vicious as not to prefer to revolution the security of the little bench where they exercise their daily craft, their chamber with its snug bed, and the enjoyment of their easy way of life. The greatest part of the shopkeepers, indeed all of them, are the best friends to tranquillity; for all their stock-in-trade, all their industry and gains depend on their customers and on quiet; and if it happens that their profits are diminished when disturbances compel them to close their shops, what will become of them, if their shops are burnt?

The Senate then is protected by the Roman people, and it is the duty of the Senate to protect the people (c. 9). They have a consul who has escaped many dangers and death itself, whose life is preserved not for himself, but for the interest of the State: all classes are unanimous in their resolution to save the commonwealth; their common country

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assailed by the firebrands and the weapons of an impious conspiracy stretches out her suppliant hands and recommends to their care the lives of all the citizens, the Capitol, the eternal fire of Vesta, the temples, the walls and houses of the city. This day, this very day they must decide about their lives and all that is dear to them. They have a leader who thinks of them and thinks not of himself. They should remember the danger which they had escaped: one night had nearly ruined all. This day they must take precautions that such a crime hereafter shall not even be thought of. And he says this not to rouse the senators who almost outstrip him in their zeal for the State, but that his voice which ought to be the first in the State may discharge the duty which is imposed on a consul.

He has a word to say about himself before he returns to the question (c. 10). He has made as many enemies as there are conspirators, but he despises them all. If however these men should ever under the leadership of any person prove more powerful than the State, he will never repent of what he has done. That death, with which the conspirators are probably threatening him, is the common lot of all: the glory conferred on him during his life by the decrees of the Senate no one has ever yet attained; for he is the only man who has been thanked for saving his country. He then enumerates the great generals of Rome from the elder Africanus to his friend Cn. Pompeius, and he says that while their fame is perpetuated, there will still be a place for his glory, unless perchance it be a greater thing to open provinces to the citizens of Rome than to secure for them a city to which they may return from their victories. He sees that he has commenced an eternal war with all profligate citizens, but with the help of the Senate and the aid of all good men he is confident that danger will be warded off from himself and his family; and he is confident too that no violence will ever break or even weaken the union of the Senate and the Roman Equites and this wonderful unanimity of all honest men.

For all that he has done (c. 11) he only asks them to remember this critical time and the whole period of his consul-

ship, for while this remembrance shall be fixed in their minds, he will consider himself environed by a wall of safety. But if the violence of the wicked shall frustrate this expectation, he recommends to them his infant son, who will have ample security for his life and station, if they remember that he is the child of him who alone and at his own risk saved the State. "Wherefore to preserve yourselves and the Roman people, your wives and children, your altars and your homes, your holy places and temples, all the buildings in the city, your dominion and your liberty, Italy and the commonwealth, come to a decision with all due care, as you have begun, and do it boldly. For you have a consul ready to execute your decrees, and able to defend and unaided to maintain as long as he shall live what you shall resolve to do."

In his life of Cicero (c. 21) Plutarch says that Cicero added no small weight to Caesar's speech, for he argued partly in favour of the first opinion and partly in favour of Caesar's. Perhaps a careless reader might derive such an opinion from Cicero's speech, but the meaning seems to us not ambiguous. The speech indeed was not in direct terms either for one opinion or the other, and this may be the reason why it was so little noticed by the antient writers. Appian (B. C. ii. 6) in his confused narrative, after speaking of the change of opinion produced by Caesar's speech, names Cicero as speaking after Cato, who had attempted to bring Caesar into suspicion, and he attributes to Cato and Cicero the final vote which condemned the men without trial. Sallust says nothing about Cicero's speech on this day, which has been attributed to his dislike of Cicero; but whether Sallust liked him or not, this cannot be the reason why he did not mention this speech, for in his history of the conspiracy Sallust has shown no dislike of Cicero, and so far from blaming the consul he commends him for his services in the matter of the conspiracy.

Cicero's speech of the fifth of December contains plenty of bold words, with some talk about resignation to his fate and the like. Most readers will conclude from it that he did wish to put the prisoners to death, but that he was afraid to do what he was resolved on doing if he could; for Caesar had warned the Senate and the consul that after the execution of

the men they must expect that the public would commiserate their fate and remember the illegality of the sentence more than their crime. The author³ of a very ingenious essay on Catilina's conspiracy, who accepts Appian's story of Cicero leaving the Senate during the debate and returning after he had stopped some disturbance outside, explains by this supposition the flatness of that part of the speech, which immediately precedes the words, "*Sed ego institui referre ad vos, patres conscripti, tamquam integrum,*" and the resigned tone of the conclusion; and he adds that if he did not make this supposition, he must be compelled to deny that the speech is genuine. He even finds evidence in Cicero's oration that he went out to quell the tumult, and after his return resumed the business for which the Senate met. He supposes that the consul begins his speech as if he had just returned fresh from the danger which he had encountered in quelling the tumult, and that with the words "*Sed ego institui*" he brings the Senate again to the consideration of the important matter before them. Whatever we may think of the beginning of the speech, there will perhaps be few persons who will be satisfied with the evidence by which the author supports his hypothesis. Appian's story of the tumult during the deliberations of the fifth of December resembles something which Sallust has (Cat. c. 50). Sallust reports (p. 327) that some freedmen and a few of the clients of Lentulus endeavoured to stir up artisans and slaves to rescue Lentulus; and that Cethegus sent persons to entreat his slaves and freedmen to unite, to arm themselves and break into the place where he was confined. Cicero hearing of this design disposed his force to prevent such attempts at rescue, and then convened the Senate to deliberate on the punishment of the prisoners. Sallust's narrative however refers to some attempt made or threatened before the fifth of December, and on the day on which the rewards were voted to the Allobroges, which was the fourth of December.

According to Sallust, Tiberius Nero, probably the grandfather of him who was afterwards the emperor Tiberius, having heard Caesar's speech moved that they should take

³ Hagen, Catilina, p. 333.

measures for further security and then discuss the matter again. In fact this was an adjournment of the question. Silanus, who had moved that the prisoners should be executed, "being greatly impressed by the speech of Caius Caesar said that he would vote for the motion of Tiberius Nero." Thus, if we follow Sallust, Silanus was induced by Caesar's speech to vote for the motion of Tiberius Nero, and not for Caesar's motion. If the author had any meaning in this, it may be that Silanus accepted Caesar's arguments, but dissented from his conclusion, which he might very consistently do, for Caesar's arguments really led to the conclusion, which Nero converted into a motion, and Caesar's arguments and his motion were inconsistent. Suetonius (Caesar, c. 14) differs in some respects from other authorities: he says that all the Senate were in favour of the extreme punishment being inflicted on the conspirators, except Caesar who alone moved that they should be imprisoned in the Municipia and their property seized by the State. Caesar also alarmed those who supported the severer sentence by repeatedly pointing out to them how unpopular they would become, and accordingly D. Silanus, as he could not creditably alter what he had said, mitigated the terms of his motion by explanation, on the ground that it had been understood in a severer sense than he intended. Plutarch (Cato, c. 22) explains what Silanus did: "he retracted what he had said, and affirmed that neither had he recommended that the men should be put to death, but that they should be imprisoned; for to a Roman this was the extreme of punishment."

As Suetonius mentions no other motions except those of Silanus and Caesar, we must conclude that he supposed that Silanus explained his motion to mean the same as Caesar's; and Suetonius adds that Silanus would have carried it, if M. Cato had not opposed him, for several of the senators came over to Silanus' opinion, and among them Cicero's brother Quintus, who was then a praetor designatus. It appears then from all the authorities that we do not know accurately what was done in the Senate after Caesar's speech, but we may conjecture that there was a good deal of talk and that finally opinion was settling in favour of not inflicting the capital

punishment. An examination of our contradictory authorities is somewhat tedious, but it may be excused by the gravity of the circumstances and the character of those who played the chief part in this tragical affair, when the lives of five men were at stake and a great constitutional principle was deliberately violated. We learn so much as this with certainty that the Senate was timid and wavering, that Cicero affected a boldness which did not disguise his fears, that he wished the death of the men whom he had caught, but that neither his influence nor his eloquence would have prevailed on the Senate to hand over to him the prisoners, and they were going to slip from his grasp, when a man rose to speak whose courage roused the drooping spirits of the senators and persuaded them to accept the motion which Silanus had made and abandoned. M. Porcius Cato now thirty-two years of age and Tribune elect addressed the Senate to the following effect (Cat. c. 52): "Some who have spoken have talked about the penalty which should be inflicted on men who have conspired against their country, but the facts urge us to secure ourselves against the conspirators rather than to deliberate about their punishment. You may punish other crimes after they have been committed: but as to this, unless it is prevented, it will be useless to appeal to the courts of justice after the thing is done: when a city is captured, there is nothing left for the vanquished. If those who have always thought more about their houses and what they contain than about the State, wish to keep and enjoy their wealth, they must rouse themselves to action at last. Life and liberty are in danger. I have often complained in the Senate of the luxurious habits and greediness of the citizens, and have made many enemies, for as I have never excused myself for doing wrong, I am not ready to overlook the evil deeds of others. But the question now is not about good or bad morals or about the grandeur of the Roman empire, but whether all this wealth and power are to be ours or to belong to our enemies. Talk to me now of mildness and mercy! Why we have ceased to call things by their true names. It is because profuse giving of other men's property is called liberality, and audacity in crime is named courage, that the

State is brought into this danger. Let men, since it is now the fashion, be liberal at the expense of our subjects in the provinces; let them be merciful to those who rob the treasury: nay let them give our very blood and ruin all honest men, while they spare a few villains. C. Caesar has spoken very finely about life and death, and, I suppose, he does not believe that the wicked are punished in another life. Accordingly he moved that the prisoners' property be seized to the use of the State, and that the men be imprisoned in various towns of Italy, fearing, I suppose, if they should be kept in Rome that they may be rescued by their fellow-conspirators or by a hired rabble; as if there were villains only in Rome, and as if audacity could not do more in those places where there is less power of resistance. This then is a foolish proposal, if Caesar is really afraid of the men; and if he is not afraid when all of us are, it is the more necessary for me to look after myself and you too. My opinion then is that your decision about Lentulus and his fellows will be a decision about Catilina's army and all the conspirators. If you act with courage, their spirit will be cowed: if they see you falter ever so little, they will soon be upon us in all their fury. The Roman State was not made great by arms, but by other things which we do not now possess, by industry at home, by just exercise of power abroad, by free deliberation, not under the influence of crime or passion. Instead of these virtues we have luxury and greediness, the State poor, individuals rich, no distinction between bad and good. Nor is this strange, when every man is thinking only of himself, a slave to pleasure at home, in the Senate to money or self-interest; and so the commonwealth is left unprotected. But I pass by all this to come to the present business. Some of our noblest citizens have conspired the ruin of the country, to bring in the Galli the greatest enemies of Rome to make war on us, and the leader of the hostile forces is close upon us; and do you still delay and hesitate what to do with your enemies whom you have caught within the walls? You must have pity on them, I suppose—they are young, and ambition has misled them—and you should let them loose with arms in their hands. Verily your leniency and mercy will end in

your own sorrow, if these men do take up arms. It is true that it is an ugly business to deal with the conspirators; and of course you are not afraid of it. But in fact you are very much afraid; and through sluggishness and want of spirit every man is waiting for his neighbour to move first, and you trust, I suppose, in the immortal gods who have often saved this State in the greatest dangers. It is not by vows and womanish prayers that we get the help of the gods: by vigilance, activity, and prudence success is secured. If you give way to indolence and cowardice, in vain would you implore the assistance of the gods: they are angry with you and they are your enemies. T. Manlius Torquatus in the old times put his son to death for fighting with the enemy contrary to orders. That noble youth paid the penalty of his exalted courage; but you hesitate what to do with murderous villains and traitors to their country. I suppose their former life makes amends for the present crime. Well then spare Lentulus for his rank, if he ever spared his own fair name, if he ever had any regard for gods or men. Excuse Cethegus for his youth, unless this is the second time that he has attacked his country. As to Gabinius, Statilius, and Caeparius, if they had ever reflected at all, they would not have formed such designs, and I say no more about them. To conclude, senators, if the state of affairs would allow a mistake to be made without danger, I would readily consent to your error being corrected by experience, since you despise advice. But we are surrounded on all sides. Catilina with his army holds us by the throat; other enemies are within the walls, in the very bosom of the city: we can neither act nor deliberate in secret, and therefore there is the more need of promptitude. My motion then is this: since the State has been brought into the greatest danger by the abominable designs of wicked citizens, and the men have been convicted by the evidence of T. Volturcius and the ambassadors of the Allobroges, and have confessed that they had plotted murder, incendiarism and other crimes to the ruin of their fellow-citizens and their country, that on these men who have confessed, in the same way as on men who have been detected in the commission of a capital offence, punishment be inflicted according to antient

custom." When Cato sat down, all the consulars and a large part of the Senate commended his speech, extolled his courage, abused one another for their cowardice, and finally voted for his motion. This was the end of the debate, as Sallust describes it.

Plutarch (Cato, c. 23) states that this is the only speech of Cato which was preserved, and that it was reported by clerks, who surpassed the rest in quick writing and had been instructed by Cicero in the use of certain signs, "which comprehended in small and brief marks the force of many characters." He adds that the Romans at this time were not used to employ, nor had they shorthand writers, "but it was on this occasion, as they say, that they were first established in a certain form." If shorthand writing was employed on this occasion, we cannot readily believe that it had not been used before. At a later time it was commonly employed at Rome, as we know (p. 314).

According to Sallust the motion which Cato carried was simply to put the men to death. It was apparently what Silanus originally moved, and Cato's motion is expressed in the same words that Silanus used, "*supplicium sumundum*;" but Cato added "*more majorum*," which words were omitted in Silanus' motion, as Sallust reports it, and so Silanus could afterwards say that he meant something different from what he really did mean at first. This speech of Cato may be genuine or only disfigured a little by the historian. It is hardly possible that Sallust could have written it. The strength of the speech lies in the simplicity with which the case is put and urged: if you do not destroy these men, they will destroy you. If those who hold the power in a State, believe that it cannot be maintained except by the destruction of their enemies, they must, if they would act with consistency, destroy them in any way, for self-preservation both in individuals and in States is a necessary condition of existence. It is certainly a misfortune if a State can only be saved by the exercise of power contrary to the usual forms of legal procedure, and it may be a sign that such a State is already decaying; but if Cato believed all that he said, and if the administration at Rome was too feeble to deal with the

criminals according to legal form, there remained nothing except to put them to death, which was the safest thing for the State, more humane towards the prisoners, and not more illegal than perpetual imprisonment and the forfeiture of their property.

In Sallust, Cato's speech and his motion, and the execution which followed are all consistently told; but the other authorities add various things. Plutarch (Cato, 23) reports that Cato abused Silanus for changing his mind and attacked Caesar "whom he charged with a design to overturn the State under a popular guise and pretext of humanity," and he says to the same effect in his lives of Caesar and Cicero that Cato "vehemently urged suspicion against Caesar." Again in his letter to Atticus (xii. 21) about the work of Brutus, Cicero says, after enumerating the names of the consules who had given their opinion for the punishment of death: "Why then did the Senate accept Cato's motion? Because he had expressed the same opinion in plainer words and at greater length. Now Brutus praises me because I brought the matter before the Senate, and not because I discovered all, because I encouraged the Senate, and finally because I gave my opinion before putting the matter to the vote; and it was because Cato extolled all this to the skies, and moved that it should be inserted in the journals of the Senate, that the division was made in favour of his motion." It appears then that Sallust has omitted some parts of Cato's speech⁴ or something that he said during the debate; and also that Cicero really claims the merit of having moved the Senate to their final resolution; a fact which Sallust either did not know, or, if he had heard of it, did not believe, or care to report, for there is not a word about the consul in Cato's speech, nor in his motion, nor in Sallust's narrative.

⁴ Velleius, ii. 35, says of Cato's speech: "Sic impendentia ex ruinis incendisque urbis et commutatione status publici pericula exposuit, ita consulis virtutem amplificavit, ut universus senatus in ejus sententiam transiret, animadvertendumque in eos quos praediximus censeret, majorque pars ordinis ejus Catonem prosequerentur domum." We do not expect historical accuracy in a rhetorical writer; but "ita consulis virtutem amplificavit" agrees very well with part of Cicero's statement of what Cato said.

Further, Plutarch (Cicero, c. 21) implies that Cato's motion comprehended confiscation of the prisoners' property, though nothing of the kind appears in Sallust; for Plutarch says that Caesar opposed confiscation on the ground that the Senate ought not to reject the merciful part of his proposition and retain the most severe part. Many of the senators violently opposed Caesar, and he invoked the aid of the tribunes, but they did not help him. Cicero however gave way and remitted that part of the vote which was for confiscation; which must mean that Cicero consented to leave out this part of Cato's motion before it was put to the Senate. Plutarch in his life of Cato (c. 24) also speaks of Caesar making a great struggle against Cato on this occasion and the attention of all the Senate being fixed on them, when a small letter was brought in for Caesar. Cato attempted to raise some suspicion about the letter and told Caesar to read it, on which Caesar handed the letter to Cato who was standing near him. The letter was an amatory epistle to Caesar from Servilia, the wife of the consul elect Silanus and the half-sister of Cato, who according to the scandal of those days had an intrigue with Caesar. When Cato had read the letter, he threw it at Caesar, uttering the words, "Take it drunkard," as the Greek is generally interpreted. It is difficult to explain why Servilia should send a letter to Caesar at such a time, but a difficulty only whets the ingenuity of some critics to discover what is unknown. The reproach of Cato, who called Caesar a drunkard, is another difficulty, for it was notorious that Caesar took very little wine. If there is any truth in the anecdote, we may take it as evidence that the contest was between Caesar and Cato and that our extant authorities have preserved only a small part of what was done on this memorable day. The narrative of Suetonius (Caesar, c. 14) states that after Cato's speech Caesar still attempted to throw impediments in the way; but he does not say what Caesar wished to do or to prevent being done. The confiscation of the prisoners' property, which he had himself proposed, was not a part of the final decision of the Senate: that point, as Plutarch says, had been given up, and Caesar must have seen that he could not save the men. However he made some kind of opposition, says Suetonius,

until the Roman Equites who were standing around to guard the Senate, threatened him with death if he did not desist, and brought their bare swords so close that those who were nearest left the place where Caesar was sitting, and a few with difficulty protected him by throwing themselves round him and putting their togas in front. Then Caesar being alarmed gave way, but he never entered the Senate again during that year. This strange story implies that the Equites were in the house or entered it, and actually threatened to murder Caesar. Perhaps Suetonius has made some mistake, for Plutarch in his life of Caesar (c. 8) says that as Caesar was leaving the Senate, many of the young men, who then acted as a guard to Cicero, perhaps his men from Reate (p. 304), threatened Caesar with their naked swords; but Curio is said to have thrown his toga over Caesar and to have carried him off. It was also said that when the young men looked to Cicero, he checked them by a motion, either through fear of the people, for Caesar was a favourite with them, or because he would not allow such an illegal act as the murder of Caesar. We may certainly acquit the consul of any intention to commit such a crime. Sallust (Cat. 49), who reports a similar story, says that some Equites, who were stationed round the temple of Concordia to protect the Senate, threatened Caesar with their swords as he was coming out; from which we may conclude that Sallust is speaking of the fifth of December, and yet he mentions this circumstance before he mentions the rewards which were voted to the Allobroges and to Volturcius; and these were given, as we learn from Cicero, on the fourth of December.

The sentence was pronounced, and the executioner was ready to do his work. The night was coming on, and the consul resolved to anticipate all attempts at rescue. The *Triumviri Capitaless*, who looked after the infliction of capital punishment, were ordered to be in readiness. The consul placed his forces in convenient places and conducted Lentulus to the prison: the praetors did the same with the rest. In the prison there was a place named *Tullianum*, in which Jugurtha died (vol. ii., p. 12). Lentulus was pitched down into this foul hole, where the executioners were waiting to strangle him.

"Thus this patrician, who belonged to the illustrious stock of the Cornelii, and had once been consul, met with a death worthy of his character and his life" (Sallust). Cethegus, Statilius, Gabinius, and Caeparius perished in the same way. M. Antonius, the son of Creticus and the stepson of Lentulus, affirmed that the body of Lentulus was not given up till his mother begged it of Cicero's wife. Plutarch (Anton. c. 2), who is our authority for this story, says that it is admitted to be false, for not one of those who were then punished by Cicero was deprived of interment. But the fact of the bodies being interred does not disprove what Antonius affirmed.

Plutarch has a more dramatic picture (Cicero, c. 22). "Cicero went with the Senate to the conspirators, who were not all in the same place, but kept by the different praetors. He first took Lentulus from the Palatine and led him through the Sacred Road and the middle of the Forum, with men of highest rank in a body around him as his guards, the people the while shuddering at what was doing and passing by in silence, and chiefly the youth who felt as if they were being initiated with fear and trembling into national rites of a certain aristocratical power. When Cicero had passed through the Forum and come to the prison, he delivered Lentulus to the executioner and told him to put him to death: he then took down Cethegus and every one of the rest in order and had them put to death. Seeing that there were still many members of the conspiracy standing together in the Forum, who did not know what had been done and were waiting for the night, supposing that the men were still alive and might be rescued, Cicero said to them in a loud voice, 'They have lived.' In these terms the Romans are used to speak of death when they do not choose to use words of bad omen. It was now evening and Cicero went up through the Forum to his house, the citizens no longer accompanying him in silence or in order, but receiving him with shouts and clapping of hands as he passed along and calling him the saviour and founder of his country. And numerous lights illuminated the streets, for people placed lamps and torches at their doors. The women too showed lights from the roofs to honour the man and in order to see him going home honourably attended

by the nobles." We cannot believe that the Senate accompanied Cicero, even if it be true that he went himself to deliver the prisoners to the executioners; but it is not improbable that he was resolved to see that the work was done. He took the men from the houses where they were confined, says Appian (B. C. ii. 6), while the Senate was still sitting and removed them to the prison without the knowledge of the people, and he saw them put to death; a story which is different from Plutarch's, and presents a difficulty about the people not seeing the prisoners in the transit; but it was now dark, and Cicero anticipating the result may have removed the men to some building near the prison. The triumphant progress of the consul by torch-light through the streets of Rome is credible; for though the conspirators had partisans, the people were for the moment ready to believe that the prisoners had designed to burn them out of their homes, and the consul's promptitude and audacity had struck terror into the malcontents and won the admiration of the timid and the wavering.

Cicero wrote a long letter to his friend Pompeius in which he informed him of the great things he had done in his consulship, but it is said that Pompeius was much displeased at the boasting and arrogant style of the letter (Pro Sulla, c. 24, Pro Plancio, c. 34, and the Schol. Bob. Orelli, p. 271).

CHAPTER XVI.

DEATH OF CATILINA.

B.C. 68—62.

WHEN L. Lucullus returned to Italy from his Asiatic campaigns in B.C. 66, he found that his brother Marcus was under prosecution by C. Memmius for something that he had done in his quaestorship in obedience to Sulla's orders (Plut. Lucullus, c. 37; Cato, c. 29). When Marcus was acquitted, Memmius attacked Lucius, and persuaded the people not to allow him a triumph on the ground that he had appropriated to his own use much of the spoil made in Asia, and had prolonged the war. But Plutarch is inexact here, for it was the Senate and not the people who granted a triumph. Memmius was supposed to be acting in the interest of Cn. Pompeius, and some critics assume that he is the Memmius who had served under Pompeius against Sertorius in Spain; but this Memmius was the brother-in-law of Pompeius, and he fell in the battle of Saguntum (vol. ii. 470). However the intrigues of the enemies of Lucullus prevented him from obtaining the honour of a triumph until B.C. 63 in the consulship of Cicero, who says that "he almost introduced into the city the car of this most illustrious man" (Acad. Pr. c. 1). There is no direct evidence of the time of the year in which Lucullus had his triumph, but we may collect from one of Cicero's letters (Ad Att. xii. 21) that it was before the fifth of December, for the Luculli are mentioned among the "consulares" who gave their opinion on the punishment of the conspirators, and Lucius could not have entered the city before his triumph.

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The intrigues and calumny of his enemies had prevented the Senate from hitherto granting Lucullus his well-merited honour, and kept him waiting outside of Rome near three years.

Lucullus brought with him an enormous amount of plunder from Asia (Plut. Lucullus, c. 37). He decorated the circus of Flaminius with armour taken from the enemy and the royal engines of war. In the procession there appeared some of the mailed horsemen of Asia, ten scythe-bearing chariots, sixty of the friends and generals of Mithridates, and a hundred and ten brazen-beaked ships of war, as Plutarch reports, but we must suppose that only the beaks appeared, or the ships were on a small scale and represented real ships. There was a gold or perhaps a gilded statue of Mithridates six feet high, a shield ornamented with precious stones, and twenty litters loaded with silver vessels, and two and thirty loaded with golden cups, armour, and money. All this was carried on men's shoulders. Eight mules bore golden couches, fifty-six carried silver in bars, and a hundred and seven carried silver coin to the amount of near two million seven hundred thousand pieces. On certain tablets there was written the amount of money which Lucullus had supplied to Pompeius for the war with the pirates, and the amount that he paid to those who had the care of the public treasury; "and besides this it was added that every soldier received nine hundred and fifty drachmae" or Roman denarii. We may certainly assume that some record was kept of the display of valuable things made at the triumph of Lucullus, and that Plutarch used it, but probably only at second hand. After the triumph Lucullus feasted all Rome in splendid style and the surrounding villages.

Lucullus had to wife one of the three sisters of P. Clodius, Clodia, a loose woman, whom he divorced on his return from the East, and probably soon after his return, for though he could not enter the city before his triumph, he could get rid of his wife by sending her notice. He now took Servilia, one of M. Cato's half-sisters, but the second wife was no better than the first. As Lucullus may have had an eye to Cato's support in taking his sister, he bore with the woman for

some time, but at last he put her away after she had brought him a son (Plut. Cat. c. 54; Lucullus, c. 38). The Senate expected that Lucullus, who had good reason for disliking Pompeius, would support them against the overbearing behaviour of this arrogant man, who was soon expected in Rome, but Lucullus withdrew altogether from political life and retired to enjoy the great wealth which he had amassed.

The death of Mithridates was known in Rome when Cicero delivered his speech for Murena (c. 16), which speech was certainly delivered after the eighth of November, when Catilina left Rome, and before the third of December (p. 302). It was before the third of December therefore that despatches arrived from Pompeius in which he announced the death of Mithridates and the termination of the war in the East. Cicero availed himself of this opportunity to show his zeal towards his great patron by proposing in the Senate a supplicatio or thanksgiving for ten days, which was double the time that had ever been voted before (De Prov. Cons. c. 11). We may perhaps refer to this same occasion, but the time is uncertain, the proposal of the tribunes T. Ampius and T. Labienus (p. 268).

There is extant a letter of Cicero to Pompeius (Ad Fam. v. 7), in which Cicero speaks of the great pleasure which he and others had received from a despatch of Pompeius that announced a prospect of quiet, such as Cicero fully relying on Pompeius had always promised to the Roman people. This despatch is generally assumed to be that in which the death of Mithridates and the end of the war were announced, but it was more probably written later; and the "prospect of quiet" may allude to affairs at Rome and not to the end of the Mithridatic war. This despatch, whenever it was written, was accompanied by a letter from Pompeius to Cicero, which gave Cicero pleasure, though it contained only a slight indication of the writer's favourable disposition towards him. The conclusion of the letter is curious. "That you may know what I expected to find in your letter, I will tell you plainly, as my natural disposition and our friendship require. I have done things for which both in respect of our intimacy and for the sake of the common interest I expected some congratulation

in your letter, and I suppose that you omitted it because you were afraid of offending any one. But you must know that what I have done for the safety of my country has received the approbation of the whole world. When you return home, you will find that I have acted with such wisdom and magnanimity, that you who are much superior to Africanus will readily allow me, who am not much inferior to Laelius, to be associated with you both in matters political and in friendship."

On the tenth of December B.C. 63 the new tribunes entered on their office, and one of them was Q. Metellus Nepos, who had served under Pompeius in the war against the pirates, and then in the Mithridatic war. It is very probable that Pompeius sent Metellus home to support his interests and to represent him. Cicero saw, as he says himself (*Ad Fam.* v. 2. 6), that Metellus intended to employ all the power of his office to ruin the man, who had saved the State, and he addressed himself to Clodia the wife of Q. Metellus Celer, the brother of Nepos, and to Mucia, the wife of Pompeius, and entreated them to prevail on the tribune to desist from his hostility; but this appeal was useless. A few days before the end of the year Nepos declared in a speech to the people that he who had punished others without a hearing ought not to have a hearing himself; and accordingly on the last day of December when Cicero was retiring from office, Nepos refused to allow him to speak to the assembly, an insult, says Cicero, never before put on any man, not even the worst citizen who had filled the lowest public office. But the insult was turned into an honour, for as Metellus Nepos would only allow Cicero to take the usual oath that he had done his duty, the consul swore with a loud voice that he alone had saved the city and the Roman State, and the assembled people declared unanimously that he had told the truth, and accompanied him home from the Forum as a mark of respect (*Dion*, 37, c. 38; *In Pis.* c. 3). Notwithstanding this insult, on this very day Cicero sent some of his friends, who were also friends of Nepos, to ask the tribune to desist from his purpose, but Nepos replied that he was not at liberty to change his policy after the declaration that he had made to the people. In the

Senate on the first of January B.C. 62 Cicero spoke on the state of affairs and against the opinions of Nepos, in such a manner as to let the tribune see that he would have a resolute opponent. Again on the third of January Nepos spoke in the Senate and almost every other word of his speech referred to Cicero and contained a threat, from which it was quite clear that his object was to ruin Cicero by any means in his power. All this we learn from the letter of Cicero to Metellus Celer the brother of Nepos (*Ad Fam.* v. 2); and Cicero observes "that if he had not boldly resisted the tribune's audacious attacks, every body would suppose that his resolute behaviour during his consulship was merely an accident and not a proof of his courage."

Cicero had summoned P. Sestius, the quaestor of C. Antonius, from Capua, after the seizure of the conspirators on the third of December B.C. 63, or perhaps before their arrest; for the words in the oration for P. Sestius are ambiguous. The arrival of Sestius at Rome with his army checked the attempts of the new tribuni plebis and of some of the partisans of Catilina to make disturbance during the last days of Cicero's consulship (*Pro Sestio*, c. 5). This remark clearly refers to the time between the tenth of December and the end of the year. Cicero further says that as soon as it appeared that with the aid of the tribune M. Cato the Senate and the Roman people could easily maintain the safety of the State and of those who had protected the lives of all the citizens at the risk of their own, Sestius with his force left Rome to join Antonius. It seems a just conclusion that Sestius did not leave Rome before the end of the year or before the early part of January B.C. 62. This is the only clear indication of the time when the rebel army was defeated except a passage in Dion Cassius (37, c. 39) which states that Catilina perished at the beginning of the year in which Junius Silanus and L. Licinius were consuls. Cicero, while he praises Sestius for stimulating Antonius to activity, indirectly condemns his former colleague. He affirms that if M. Petreius, the legatus of Antonius, and P. Sestius had not urged the commander-in-chief, rated him, nay even driven him on, the war would have been protracted during the winter, and Catilina after escaping

the ice and snows of the Apennines and with all the summer before him would have lived by plundering the sheep and cattle stations in the mountainous parts of Italy, and by taking advantage of the hill roads would have held out long enough to cause immense waste and misery in the country (Pro Sestio, c. 5).

Sallust has briefly told the story of the destruction of the rebels (Cat. c. 56, &c.). Catilina formed into two legions the men whom he had about him and those whom Manlius had got together. Two legions were a regular consular army, but the ten cohorts of each of Catilina's legions were only filled up so far as the numbers would allow, and he had at first not more than two thousand men. In a short time however volunteers came from various quarters, and he was enabled to make up the full complement of his two legions; but only one-fourth of the men were regularly armed; the rest had light javelins or pikes, and some had only pieces of wood pointed at the end. Sallust has not said, and perhaps he neither knew nor cared to inquire, where Catilina was when Antonius, as he states, with his army was close upon him; but we learn from what followed that the rebels were still south of the Apennines and in the north part of Etruria. Dion states that Antonius and Metellus Celer occupied Faesulae and so prevented Catilina from advancing southward, as we must suppose. It is probable that Faesulae was occupied by the troops of Antonius, but Metellus Celer was not there, if Sallust's narrative is true. Catilina avoided a battle by keeping to the mountainous parts, sometimes leading his men towards north Italy, sometimes towards Rome, in the expectation that, if things turned out as he expected in the city, his forces would immediately be increased. If these manoeuvres are truly related by Sallust, they were made in the latter part of November and in the beginning of December. Catilina relied so much on the aid which he should receive from his fellow-conspirators, that he refused all the slaves who at first flocked to him in great numbers; and, as the historian says, he did not think it prudent to associate citizens and runaway slaves in the same cause. But as soon as the events of the fifth of December were known in the rebel camp, a great

many who had joined the insurgents with the hope of plunder or through a love of change of any kind deserted. With the remainder of his men Catilina moved by forced marches along the rugged parts of the Apennines at this inclement season and reached the territory of Pistoria (Pistoia) at the base of the Apennines, with the intention of making his escape into Transalpine Gallia; but it would have been impossible for him at this time of the year to cross the Alps. All that he could attempt would be to cross the Apennines and reach the low country on the Po. But this road was stopped up, for Q. Metellus Celer, in favour of whom Cicero had resigned the province of Cisalpine Gallia, was in Picenum with three legions, and having been informed by deserters of the direction in which Catilina was moving, he conjectured what his design was, and fixed himself on the north side of the mountains at the point where the rebels must descend into the plain country, if they crossed the Apennines. Antonius was now not far from Catilina, for he had led his superior forces by an easier path and had left behind him all heavy incumbrances, as he was pursuing a flying enemy. As Catilina was in the territory of Pistoria, he may have been near the town of Pistoria, which lies in a plain on the present road from Florence over the Apennines to Modena, and Antonius would approach it by the valley of the Ombrone, which is an affluent of the Arno. Catilina might perhaps have made his way from Pistoria to the coast through Luca, but even if he had accomplished this march, he would still have the barrier of the Apennines before him, and he would not have been able to feed his men, when an enemy was closely pursuing. Hemmed in by the mountains and the army of Antonius he determined to fight; and Sallust in his fashion tells us what he said to encourage his soldiers. The speech is of no value except so far as Sallust may have introduced into it some facts, which a better writer would have made part of his narrative. The plans of the rebel chief had been spoiled by the inactivity of Lentulus, and while he was expecting help from Rome, he had lost the opportunity of making his escape into Transalpine Gallia. He was between two armies, one of which barred the way to Rome, the other

stopped up the direct road over the Apennines. He could not stay where he was, for his men were in want of food and every thing else. The place was favourable for a fight, because it was so contracted that the enemy could not take advantage of his superior numbers to surround them.

After encouraging his troops Catilina led them down to a spot of level ground in order of battle. All the horses, his own among the rest, were sent to the rear, that the men might be encouraged by seeing that their general and his officers shared the danger with them. The little army of Catilina occupied a position in which the mountains were on the left flank and on the right some rugged rocks. Eight cohorts formed the front line, and the other twelve formed the reserve; but Catilina took from the reserve all the best centurions and veteran soldiers, and also all the bravest men who were armed, in order to strengthen his front. C. Manlius commanded the right wing, and a man of Faesulae the left. Catilina was in the centre with some of his freedmen and "coloni," and here was planted the famous "aquila" or eagle standard, which it was said that C. Marius had in the war with the Cimbri. These "coloni" may have been some of Sulla's old soldiers, who were settled in these parts; but this interpretation is not certain, and it has been suggested that they may have been tenant farmers of Catilina himself. C. Antonius could not take the command of his troops, because he was disabled in the feet, and he gave it to his legatus, M. Petreius, a brave and experienced officer who had seen more than thirty years' service. Petreius placed in front the veterans, whom he had summoned to suppress this insurrection (tumultus) in Etruria, and behind them he had the rest of his force as a reserve. The old soldier rode round to encourage his men, telling them to remember that they were fighting for their country, their children, their altars and their hearths against a band of unarmed robbers. He then gave the signal for the onset and ordered his troops to advance slowly. Catilina's men did the same. When the two armies were within skirmishing distance, they raised a loud cheer, the pila were thrown aside, the men drew their swords and the fight began. The veterans of Petreius made a furious attack, but they met

with most resolute resistance. Catilina, who was in the front with a body of active men, carried aid to those who were hard pressed, sent off the wounded, brought up others in their place, and discharged the duty of a brave soldier and a skilful general. Petreius, finding that Catilina was making a more vigorous resistance than he expected, led his "praetoria cohors" or body-guard against the rebel's centre, which he broke, and then turned the attack against each flank. Manlius and the man of Faesulae fell among the first. Catilina seeing the rout of his army and that he was left with only a few men about him, rushed on the closed ranks of the enemy and fell pierced with wounds.

The rebels died like men. Most of them never moved from their ranks, and fell where they were fighting. The bodies of a few whom the attack on the centre had driven from their ground, were found scattered about, but all the death wounds were in front. No Roman citizen was taken prisoner either in battle or in flight. Catilina was found far away from his own men among a heap of dead enemies, still breathing and retaining in his countenance the expression of invincible resolution. The victory cost the Romans dear, for all the bravest soldiers of the republic were either killed or badly wounded. The battle was won by Petreius, but according to usage the glory belonged to the commander-in-chief, whose duty it was to announce the victory to the Roman Senate. Dion reports that Antonius sent the head of Catilina to Rome as evidence of the rebel's death, and that a thanksgiving was voted for the great victory.

There still remained some partisans of Catilina in various parts of Italy, but they were checked in their designs by the praetors who were sent against them. This is Dion's short remark (37, c. 41). We learn from Orosius (vi. 6) that the praetor M. Bibulus suppressed some disturbers of the peace among the Peligni, and Q. Cicero in the country of the Brutii.

CHAPTER XVII.

C. CAESAR PRAETOR.

B.C. 62.

ON the first day of the new year C. Cæsar, who now entered on his duties as praetor, instead of attending the consuls at the Capitol according to custom, was haranguing the people on a notice which he had given for taking from Q. Catulus the honour of completing the Capitol (Sueton. Caesar, c. 15; Dion, 37, c. 44). Catulus had been appointed to continue the work which the dictator Sulla began, and it is recorded that the new building was dedicated by Catulus in B.C. 69. But it was not yet finished, and as it had cost a large sum of money and rich donations had been made for the decoration of the temple, it gave Caesar an opportunity of raising suspicion about the honesty of Catulus, and calling for an account of the expenditure. He also proposed that the name of Catulus should be erased from the temple, that Pompeius should complete what remained to be done and that his name should be placed on the Capitol as the restorer of this antient monument. However the opposite party hearing of what was going on left the consuls, and coming to the meeting in great numbers made such an obstinate resistance that Caesar abandoned his purpose. This first act of Caesar's praetorship was an attempt to damage his personal enemy Catulus, and to exalt for some purpose of his own, for there could be no other object, a man who was already vain enough and whose head was turned by his successful career. It is impossible to read the history of Rome without a feeling of pity and contempt for the political leaders, who wasted their

strength in party quarrels, and were incapable of making any rational effort to improve the condition of the commonwealth.

The next thing was a dreadful riot in Rome which happened in this manner. The tribune Quintus Metellus Nepos, who was an instrument in the hands of Pompeius, and of Caesar also, brought forward a proposal that Pompeius should hasten to Italy with his forces to protect the city against Catilina. This is Plutarch's statement in his life of Cato (c. 26—29), and he has told the story at great length, but it is very confused both as to the order of time and other matters. However it is possible that Metellus made this proposal early in January before the death of Catilina, and so he might give some show of reason for his measure. Cato in the Senate attempted to persuade his brother tribune to stop his proceedings in this matter, but as Metellus took Cato's moderation as evidence of fear, he declared that he would accomplish his purpose in spite of the Senate, to which Cato replied that so long as he lived Pompeius should not enter the city with his soldiers. When the day came for taking the vote of the people on the bill of Metellus, he had got ready armed men and gladiators and slaves to support him; but Cato with Minucius Thermus, one of his colleagues, and a few friends came to the Forum, though many persons who met them on the way urged them to look after their safety (Comp. Cicero, *Pro Sestio*, c. 29).

The temple of Castor and Pollux (p. 220) was surrounded by armed men, and the steps were guarded by gladiators, while Metellus with Caesar was seated above; but Cato after exclaiming against the cowardice of Metellus, who had collected such a force to oppose a single man unarmed, advanced straight forwards with Thermus. Those who occupied the steps made way for Cato and Thermus, but they let nobody else pass except one Munatius, whom Cato with difficulty pulled up, and then flung himself into a seat between Metellus and Caesar. Cato's partisans cheered and encouraged one another to support him in his resistance to Metellus.

The clerk now produced the bill, but Cato would not let him read it, and when Metellus took the writing and began to read, Cato snatched it out of his hand. Metellus then attempted to tell the people what the bill was, but Thermus

closed his mouth. On this Metellus gave the signal and his armed men dispersed all the partisans of Cato, who however stood his ground though he was pelted with stones and pieces of wood. Murena the consul, whom Cato had prosecuted the year before, endeavoured to protect the tribune and finally got him safe into the temple. When Metellus saw that all his opponents had fled, being confident that he had carried the day he sent off his armed followers, and proceeded to the business in an orderly way. But his enemies soon returned with loud shouts, and the partisans of Metellus in their turn expecting to be overpowered ran away and left the Forum to the opposite party. Such a brawl was a plain sign that the constitution, which was once suitable to a small town with a limited territory, was no longer adapted to a city which possessed an extensive empire. Those who have seen a hotly-contested election in a large English town at the beginning of the present century, may form some idea of the scene in the Roman Forum; but with us the contest, though often violent and brutal, was only a struggle between the partisans of those who sought to secure a seat in the popular legislative assembly, while at Rome the popular branch of the legislature was engaged in deciding by the dagger, and with clubs and stones whether a proposed bill should become a law or not.

Cato thanked the people for their services, and the Senate, who approved of Cato's conduct, practised the farce of putting on mourning as on the occasion of some great calamity, empowered the consuls in the usual form, and by an unconstitutional resolution deprived Caesar and Metellus of their office. The tribune fled from Rome to Asia to complain to Pompeius his patron and master (Dion, 37, c. 43; Sueton. Caesar, c. 16).

It may have been at this time, though Plutarch places the event in B.C. 63 after the tenth of December, that Cato fearing some movement among the needy electors of Rome, who were attached to Caesar, persuaded the Senate to diminish his influence by giving a monthly allowance of corn to the poor citizens. Plutarch (Caesar, c. 8) connects this grant with another story. He says that a few days after the fifth of December Caesar went to the Senate-house to defend him-

self against the imputations which had been cast on him, that his address was received with loud marks of disapprobation, and that as the sitting lasted longer than usual, the people surrounded the house with loud cries calling for Caesar and bidding the Senate let him go. This was the immediate occasion of Cato proposing the allowance of corn. If Suetonius has truly stated that Caesar did not enter the Senate-house in the year 63 after the fifth of December, we must refer the occasion of the grant to some early part of the year 62. The allowance of corn added to the annual expenditure seven millions and a half of Attic drachmae or, as it is estimated in Plutarch's Life of Cato (c. 26), twelve hundred and fifty talents. This foolish measure could only increase the number of those who looked to the treasury for their bread.

Though the Senate (Sueton. Caesar, c. 16) had affected to remove Caesar from his office, he continued to exercise his functions and to sit in his court, but when he was informed that he would be prevented by force, he sent away his lictors, and putting aside his official dress, the praetexta, he secretly made his escape with the intention of keeping quiet at home under present circumstances. Two days afterwards the people flocked to his house and with loud clamour offered him their services in maintaining his authority, but he declined their assistance and prevailed on them to go away. The disturbance had brought the Senate together in a hurry, but when they learned what Caesar had done, which was quite contrary to their expectation, they sent him their thanks through some of the principal senators, invited him to the Senate-house, and after praising him in the most ample terms they rescinded their resolution and restored him to his office. We hardly know which to admire most, the precipitate haste with which the Senate illegally removed Caesar from his praetorship or the eagerness with which they seized the opportunity of undoing what they had done.

After the death of Catilina some of those who were charged with being privy to the conspiracy were brought to trial, and as Dion Cassius (37, c. 41) affirms, were convicted and punished (ἐδίκαιοῦντο). But there is no doubt that his state-

ment is false, if he means that they were put to death¹. One of the informers and the chief was a Roman Eques, L. Vettius, who had himself been in the conspiracy or pretended to have been, and having obtained a pardon he turned informer for the purpose of gain. These prosecutions were commenced under the Lex Plautia de Vi. The senators L. Vargunteius, Servius Sulla², P. Sulla, M. Porcius Laeca, the man at whose house the conspirators met, P. Autronius Paetus, and the Eques C. Cornelius were tried and convicted on some charge relating to the conspiracy.

Autronius, as Cicero affirms, was associated with Catilina and Lentulus in their conspiracy: the ambassadors of the Allobroges gave evidence against him, and Autronius sent arms to Catilina after he left Rome (Pro Sulla, c. 5). This is said in Cicero's speech for P. Sulla, in which it was his object to clear this Sulla of all imputations by making Autronius appear as bad as possible (p. 196). Autronius often earnestly entreated Cicero to defend him on his trial, and such was the mildness of Cicero's temper, as we learn from the best authority, himself, that he would have forgotten that Autronius sent C. Cornelius to murder him in his own house before his

¹ Compare the use of *ἐδικαιώθησαν*, Cicero, Verr. ii. 5. 57.

² The text of Cicero is (Pro P. Sulla, c. 2) "Quis nostrum Servium Sullam, quis Publium, quis M. Laccam, quis C. Corneliū defendendum putavit?" where "Publius" ought to mean P. Sulla, and it follows, if this is so, that this P. Sulla was not the man whom Cicero defended in this year B.C. 62. Hagen (Catilina, p. 360) supposes that the name after the word "Publium" has been omitted in the MSS., and that it was some other name than Sulla; but that is a mere assumption. Sallust (Cat. c. 17) mentions among Catilina's senatorian partisans, "P. et Servius Sullae, Servi filii," the sons of Servius, a brother of the dictator Sulla, as it has been supposed (p. 229). In c. 18 Sallust speaks of P. Autronius and P. Sulla, consuls elect, as convicted of bribery and being deprived of their office; and he adds that Catilina and Autronius conspired to murder the consuls L. Cotta and L. Torquatus in the Capitol on the first of January B.C. 65; but he does not say that P. Sulla acted with his colleague Autronius on this occasion. Nor does Sallust say whether P. Sulla, who was elected consul in B.C. 66 and was deprived of his office, is the same man as P. Sulla, one of Catilina's senatorian partisans. He has left it doubtful, though it would have been very easy to remove the doubt. If there were two P. Sullae, which seems most likely, Sallust may have thought that he had sufficiently distinguished them by naming one the son of Servius and a fellow-conspirator with Catilina, and naming the other "consul elect."

wife and children, and would have been unable to resist the tears and entreaties of Autronius and his friends, if he had not thought of the mischief which the man had plotted against the country, and reflected that he could not defend Autronius when he had punished others who were guilty of the same crime. Here we have a clear admission that Autronius was as guilty as the men who were executed, and yet he escaped, we know not why, from being arrested and punished with the men of the fifth of December. However Cicero made amends for this in B.C. 62, when he gave evidence against Autronius on his trial. If this evidence was to the same effect as he has stated in his speech for Sulla, it would be sufficient to convict him; and as if it were not enough to have aided in the conviction of his old schoolfellow, he blackened his character as much as he could in his subsequent defence of P. Sulla. Some time between the tenth of December B.C. 64 and the end of the year, the tribune L. Caecilius, a half-brother of P. Sulla, had proposed a law for the restoration of Autronius and his colleague P. Sulla to their senatorian rank and to their capacity to hold office. The matter was considered in the Senate on the first of January B.C. 63, and the bill was dropped: the praetor Metellus said that even Sulla himself did not wish it to be proposed to the people (*Pro P. Sulla*, c. 22, 23). In B.C. 62 L. Manlius Torquatus, son of Torquatus who was consul in B.C. 65, prosecuted P. Sulla under the *Lex Plautia*. The prosecutor charged Sulla with being privy to the design to murder his father the consul on the first of January B.C. 65, with being a fellow-conspirator with Catilina, and with other offences. Hortensius defended Sulla against the charge of being implicated in the first conspiracy, and he could affirm also as a witness that there was no evidence against Sulla on that head, for Hortensius was present at the investigation which was made at the time. Cicero, who undertook to defend Sulla against the charge of being in the second conspiracy, affirms that there was no evidence at all against Sulla, and if there had been, he would have known it. No evidence appears to have been produced sufficient to maintain the charges of Torquatus, and Sulla was acquitted.

Cicero states that he was asked to defend Sulla, and he saw no reason why he should not do it, for he believed him to be innocent; but he may have had other reasons for defending the man. Cicero wished to leave his former residence and to remove to a better neighbourhood, as gentlemen generally do when they have risen in the world. The house which he wished to buy was on the Palatine, and as usual he had not the ready money. But Sulla had, for he was one of those who enriched themselves in the time of the dictator Sulla by buying the property of the proscribed. P. Sulla after he had received notice of trial lent Cicero two millions of sesterces, but the matter was noised abroad before the purchase was made and Cicero was charged with borrowing money from the man whom he was going to defend (Gellius, xii. 12). Cicero denied the fact, and also said that he had no intention to buy the house; but if he should buy it, then he would admit that this should be a proof that he had borrowed the money. Afterwards he did buy the house, and when he was charged in the Senate with lying, he laughed outright and said, You must be great simpletons, or, according to another reading, without the usual feelings of mankind, if you do not know that a prudent man ought to deny that he intends to make a particular purchase when he wishes to avoid the competition of bidders. This is cited by Gellius as an example of Cicero's readiness in evading by a smart answer a charge which he could not deny. The trial of Sulla, as we have seen, came after other trials on similar charges, which were going on for several months and probably began early in the year 62.

The praetor C. Caesar was also involved in the charge of conspiring with Catilina (Sueton. c. 17). L. Vettius laid an information against him before Novius Niger, who was either a Quaestor, or, as some suppose, had been appointed a Quaesitor or extraordinary commissioner for the purpose of taking informations. Caesar was also denounced in the Senate by Q. Curius, to whom some reward had been voted by the Senate on the ground of his having been the first person who made known the designs of the conspirators. Curius affirmed that his information came from Catilina, a piece of evidence which could not be accepted and was enough to

condemn Curius as a knave, if this was all that he had to say. Vettius declared that he would produce something in Caesar's handwriting addressed to Catilina. In the Senate-house Caesar appealed to Cicero to testify that he had given him information about the conspiracy, and as Cicero appears to have admitted the fact, though Suetonius omits to say that he did, Curius did not receive what had been voted him. Vettius fared worse. The narrative of Suetonius is so brief that it is exceedingly difficult to state precisely what the facts were. As Vettius had laid an information before Niger against Caesar, it was his duty to support it by evidence. Whether he could not do this, or failed in some other way in satisfying the forms of law, a distress was levied on his goods, which was a usual Roman process for compelling the discharge of a legal duty: his household furniture was sold³, Vettius himself was roughly handled by a crowd before the Rostra, and he was put in prison by Caesar's order, perhaps only to save him from the mob who were ready to tear him to pieces. Niger was also lodged in prison because he had contrary to Roman usage allowed proceedings to be commenced before him against a magistrate of superior rank to himself. It is not easy to place these events of the year 62 in their order, but I have followed Suetonius as the safest guide.

In this year (B.C. 62) Metellus obtained his long deferred triumph for the conquest of Crete (p. 128). The opposition of some tribune however prevented him from exhibiting in the procession the two Cretan commanders, Panares and Lathenes, who had given him so much trouble. The intrigues of the partisans of Pompeius reserved these two prisoners to appear in his triumph (Dion, 36, c. 2).

Pompeius some time before his arrival at Rome sent a message to the Senate (Plutarch, Cato, c. 30) and requested them to defer the consular elections of the year 62 that he might be present to assist the canvass of M. Pupius Piso, one of his generals. The majority of the Senate were ready to grant the request, but Cato, who thought that the designs of Pompeius went further than merely deferring the elections,

³ See the note, c. 17, Burmann's edition. The interpretation of this passage is not easy, and the commentators do not agree about it.

persuaded the Senate to refuse what he asked. Dion's statement (37, c. 44) is that the elections were deferred until Piso arrived to declare himself a candidate, and he was unanimously elected consul for the next year with M. Messalla as his colleague.

In the summer of the year 62 the conqueror of Asia commenced his progress homewards from Amisus. He stayed at Mitylene in the island of Lesbos, and made it a free city for the sake of his friend Theophanes, who was a native of that place (Strabo, p. 617). He also witnessed poetical contests, the subject of which was his own exploits (Plut. Pomp. 42). Being pleased with the theatre he ordered a plan of it to be made with the intention of building one like it in Rome, but larger and more magnificent.

Ephesus was the place from which the army of the East sailed for Europe. We may conjecture that it was during the march of the troops to Ephesus that Pompeius paid a visit to the old philosopher Posidonius at Rhodes, and Cicero has given an account of this interview from Pompeius himself (*Tusc. Quæst.* ii. 25.) Cicero indeed appears to have supposed that Pompeius came to Rhodes direct from Syria; but on such matters his evidence is worth very little. Posidonius was suffering from pain in the joints, and when Pompeius remarked that he was sorry that he could not have the opportunity of hearing him discourse, "But you shall," said Posidonius, "nor will I allow bodily pain to be the cause of so great a man visiting me to no purpose." Accordingly, as Pompeius used to tell the story, Posidonius while he was lying on his bed made a discourse on the theme that nothing was good unless it was also virtuous (*honestum*), and as often as his pains came sharp upon him he cried out: "It is all to no purpose, pain, you may plague me as much as you like, but I will never allow that you are an evil." Pompeius heard other sophists at Rhodes, and gave each of them a talent. Before embarking the troops at Ephesus he paid every soldier fifteen hundred Attic drachmae, and the officers a larger sum. The whole amount of the bounty was estimated at sixteen thousand talents, which the general gave at his own pleasure as if he were a powerful king. According to Appian (*Mithrid.*

c. 116) he sailed to Brundisium in Italy, where he disbanded his troops and sent them home, an act which surprised some of the Romans who thought of Sulla's landing at the same place. But Plutarch states (Pompeius, c. 42) that Pompeius called at Athens, which is probable, though the fleet may have continued the voyage, for Athens had received him well on a former occasion. He treated the philosophers liberally and gave the city fifty talents towards restoring the buildings. He was now returning to his native country with a reputation higher, though not better deserved, than any Roman had enjoyed, and expecting to be received by his wife and family with as much pleasure as he should see them. But he learned a lesson, which almost every man learns sooner or later, that prosperity seldom accompanies a man through life; a fact, which Plutarch expresses in the form of a theological doctrine, commonly received in antient times, and in modern times also. "The Daemon," he says, "who takes care always to mix some portion of ill with the great and glorious good things which come from Fortune, had long been lurking on the watch and preparing to make his return more painful to him." During his absence his wife Mucia had been unchaste. The husband had heard rumours of his wife's infidelity while he was in Asia, but it was only when he was nearer home, either at Athens or at Brundisium, that he sent her notice of divorce, though neither then nor afterwards did he assign any reason for putting her away; "But the reason," says Plutarch, "is mentioned in Cicero's letters." Pompeius landed at Brundisium about the end of B.C. 62. We learn from a letter of Cicero to Atticus (i. 12) written on the first of January 61 that the divorce of Mucia was then known, and he says, people approved of it very much. This was the woman to whom Cicero applied to use her influence with Metellus Nepos (p. 356), and the time of his application which was after the tenth of December 62 must have coincided very nearly with the date of the divorce. Report charged C. Caesar with being the lover of Mucia, but the husband, though he was not pleased with Caesar's attention to his wife, was too prudent to quarrel with a man who had been so useful to him. Pompeius had three children by Mucia, who after her

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divorce married M. Aemilius Scaurus, the brother of the second wife of Pompeius, for Mucia was his third wife.

Pompeius advanced from Brundisium to Rome without soldiers, accompanied only by a few friends as if he were returning from a journey (Plut. Pomp. c. 43). All fear of his abusing his power was removed when he dismissed his men at Brundisium with a recommendation to meet again for the triumph, which he knew could not be refused. As he went along the road he was met and followed by the citizens of the towns through which he passed, and as he approached Rome, the Senate came out to receive him. As he could not enter the city before his triumph, he took up his residence near Rome at the close of January B.C. 61, as we infer from Cicero's letter (Cicero, *Ad Att.* i. 13. 4).

Cicero's colleague C. Antonius after the defeat of Catilina went to Macedonia with his fasces wreathed with bay (Dion, 38, c. 10). His misgovernment began as soon as he entered the country, and he plundered all alike both the subjects of Rome and those who were not. He ravaged the territory of the mountain people named the Dardani and their neighbours, but when he was followed by the natives, he fled with his cavalry, leaving his infantry behind, who were driven out of the land and lost all the booty which they were carrying off. He also attacked some of the people of Moesia who were on friendly terms with the Romans, but he was defeated by them with the assistance of the Scythian Bastarnae near a city which Dion names the city of the Istriani, and in another place he calls it Genucla (51, c. 26). This town was on the Danube, and the Roman standards which the cowardly governor lost in the battle were deposited here by the enemy. Though Cicero complained grievously of the ingratitude of Antonius, he defended him in the Senate successfully; but on the first of January B.C. 61 he informs Atticus (i. 12) that he learns from those who had come to announce the approach of Pompeius that the victorious general would use his influence to have Antonius recalled, and some praetor, who is not named, would address the people on the matter. The case was so bad, says Cicero, that out of respect to his own friends (*boni*) and popular opinion he could not defend Antonius, and

what was more, he did not choose. He then tells Atticus the report that Antonius had declared that part of the money that he was getting was for Cicero (p. 238).

When Atticus left Italy for Epirus in January B.C. 61 Cicero sent by him a letter to C. Antonius, in which he recommended to the attention of the governor his friend Atticus who had affairs of business in Macedonia (*Ad Fam. v. 5*). In this letter Cicero complains of the ingratitude of Antonius for all that Cicero had done for him, and he gives him a hint that it will not be so easy to defend him in future; but still he is willing to do his best for Antonius, if all his labour shall not be thrown away. But if his pains are to be unrequited, he will take care that Antonius shall not think him a fool also. Atticus will explain all this to Antonius.—What is the meaning of this talk about ingratitude? What did the man want from Antonius? What could he want except money? He had the year before bought a house from Crassus, and he says in a joking way to his friend P. Sestius, the proquaestor of Antonius (*Ad Fam. v. 6*) that he was now deep enough in debt to turn conspirator if any would join him: however there was plenty of money to be had at six per cent. But on the first of January 61 he was still looking out for money, and he mentions one money-lender who asked twelve per cent. (*Ad. Att. i. 12.*) No wonder that he was vexed at the delay of Antonius in paying him, and hence his threats in the letter which Atticus carried. In the course of the year he informed Atticus that the money was paid (p. 239). All that can be said in defence of Cicero is that the story in Gellius about his borrowing money from P. Sulla may not be true, for if he had borrowed the purchase-money of his house from him in 62, he would not have been looking for a loan on the first day of the next year, unless he had some other demand to meet, of which we know nothing.

In his letter of the first of January B.C. 61 to Atticus Cicero writes, "I suppose you have heard that P. Clodius was detected in a woman's dress in the house of C. Caesar when the religious ceremonies on behalf of the people were celebrating, and that he got out safe with the assistance of a

female slave? The thing is a great scandal, and I am sure that you will be troubled about it;" for Atticus was on intimate terms with the Clodii. The religious ceremonies were the festival of the Bona Dea (p. 321), which was celebrated some time in the month of December and on this occasion in the house of the praetor Caesar, who as Pontifex Maximus had an official residence in the Holy Street (*Sacra Via*).

Clodius had a passion for Pompeia, Caesar's wife, who was not averse to her lover, but Aurelia Caesar's mother kept a strict watch over her and made a meeting difficult (Plut. Caesar, c. 9). Clodius assuming the dress of a female lute-player went to the house and was let in by a female slave, who was in the secret and ran to tell her mistress. Plutarch states that Clodius expected to escape detection because he was not yet bearded, which is a foolish remark, for Plutarch knew that he had served in Asia under L. Lucullus near ten years before, and he was at this time quaestor elect. All that Clodius wanted was to get into the house and hide himself. While the girl was reporting to her mistress the arrival of Clodius, another girl laid hold of the supposed lute-player and asked who she was and what she wanted. Clodius answered that he was waiting for Abra, which was the name of Pompeia's maid, but his voice betrayed him, and the girl called out that she had discovered a man. Aurelia stopped the religious ceremony, and the house being searched, Clodius, according to Plutarch's story, was found in the chamber of the girl who let him in, and he was turned out of doors.

The religious ceremonies, which had been interrupted, were duly celebrated by the Vestals (Ad Att. i. 13), and Q. Cornificius brought the matter before the Senate, by whom it was referred to the pontifical college at the head of which was C. Caesar. It was the opinion of the college that an offence against religion had been committed, and that Clodius should be put on his trial, upon which the consuls gave notice of a bill for regulating the trial, and Caesar put away his wife. The bill (*rogatio*) was necessary, we must suppose, because there was no *Quaestio*, as the Romans termed it, or form of trial, provided for such a case. The consul Piso, who was a friend of Clodius, and was bound by his office to propose the

bill to the Popular Assembly did his best to get it rejected. The honest or respectable citizens, "the good men," as Cicero calls them, were kept from moving in this matter by the entreaties of Clodius, who also got his followers together, as it was then the fashion, to use force if necessary. Cicero kept quiet: he did not yet know what the conqueror of the East thought of his conduct in the matter of the conspirators. It was now the twenty-seventh of January B.C. 61.

As Pompeius could not yet enter the city, a meeting was held outside the walls in the Circus Flaminius, and here Pompeius made his first speech to the people after his return. "It was a miserable address," says Cicero in a letter to Atticus of the thirteenth of February (*Ad Att. i. 14*), "and it fell quite flat." Fufius one of the tribunes at the instigation of Piso presented Pompeius to the Popular Assembly and asked him what was his opinion about the jury for the trial of Clodius being selected by the praetor who would try the case, for this provision was contained in the decree of the Senate which would be submitted to the vote of the people. Pompeius replied in very aristocratic style and at great length: he said that he had always had the highest respect for the opinion of the Senate in all matters. After this the consul Messalla asked Pompeius in the Senate what he thought of this offence against religion and of the proposed bill. Pompeius answered generally that he approved of all the measures of the Senate, and when he sat down, he remarked to Cicero that he thought he had said enough. The words of Pompeius might be interpreted to mean that he approved of what the Senate had done in the affair of the conspirators; and M. Crassus observing that this expression of Pompeius had been well received rose and delivered an oration on Cicero's services in the same bombastic style which Cicero used when he was on this topic: he spoke of fire and sword and the like; he owed every thing to Cicero, his life, his rank, the safety of his wife and children. Cicero who was sitting next to Pompeius, saw that his great friend was moved, but he could not tell whether it was because he had lost the opportunity which Crassus had seized, or because Cicero's services were so great that the Senate willingly listened to this panegyric from a man who, as Cicero himself

says, owed him no obligations; for he had disparaged the services of Crassus in order to flatter Pompeius (p. 135). The speech of Crassus attached Cicero to him very much. All this we learn from Cicero's letter, and something more, for which we are indebted to his friend's care in keeping the correspondence. "For my own part," continues Cicero, "ye gods, how I showed off before my new hearer Pompeius. If ever periods, turns, enthymems, and rhetorical ornament were at my command, it was then. Why need I make a long story of it? There was clamorous applause. For this was my subject, the dignity of the senatorian order, their unity with the equites, the unanimity of Italy, the dying remnants of the conspiracy, the cheapness of provisions, the tranquillity that reigned. You know well how I can blow the trumpet on such topics, and the blast was so loud that I say the less about it because it must have reached your ears."

When the day came for voting on the bill, there was a great concourse of the young fellows who were just beginning to show beard, the whole crew of Catilina was out in the streets, headed by Curio's "little daughter," as Cicero names young Curio, all urging the people to reject the bill. The consul Piso, who was compelled to propose the bill, was opposing it at the same time. The bullies of Clodius got possession of the approaches to the polling places, as the fashion is sometimes in America at present: the voting tablets which were supplied to the electors were all against the bill; not a single ballot in favour of it was served out. On this Cato flew to the Rostra and made a fierce attack on Piso. Hortensius and many other respectable citizens took the same side. The voting was stopped and the Senate was summoned. In a full house, in spite of the resistance of Piso and of the entreaties of Clodius, it was resolved that the consuls should urge the people to vote for the bill. About fifteen senators were in favour of the proposal of Curio, the father, that the Senate should come to no resolution on the matter. On the other side there were full four hundred. Fufius, the only tribune who had opposed the bill, gave way. Clodius then turned to the people, to whom he was presented of course by his friend Fufius, and loudly abused Lucullus,

Hortensius, the consul Messalla and others. As to Cicero he merely charged him with "finding out" every thing, an expression which Cicero had used during the times of the famous conspiracy, and the word (*comperi*) had not been forgotten. The Senate came to a resolution to do no business till the bill was carried: nothing should be done about the provinces, the embassies from foreign nations, or any other subject.

Clodius and Cicero had hitherto been friends, and Cicero at first intended not to stir in this affair of the Bona Dea, but the sneer of Clodius about his "finding out" stung him to the quick, and he assailed with all his might the consul Piso, Curio, and all the band of Clodius. "Ye immortal gods," says he in a letter to Atticus (i. 16), "what battles I fought, what slaughter I made." He thought that he had crushed his foes, but he was mistaken. Hortensius was the man who unintentionally deprived Cicero and his party of their expected victory. Hortensius was afraid that the tribune Fufius would put his veto on the bill which was proposed pursuant to the resolution of the Senate, and he did not see that it would be better for his party to be defeated in this way and for Clodius to be left under this disgraceful charge than to be tried by a jury who would acquit him. Accordingly Hortensius persuaded the Senate to allow the tribune Fufius to propose a bill about the trial of Clodius, which differed in no respect from the bill proposed by the consuls except in the matter of the jury; but this, says Cicero, was every thing. Hortensius was convinced that no jury would acquit Clodius, and he was content that he should be tried by an ordinary jury taken from the three classes, and not by a special jury selected by the praetor. Cicero saw what would be the result of all this, and he "drew in his sails," as he expresses it. After the bill of Fufius was voted by the Assembly, the trial began.⁴ The prosecutor was L. Cornelius Lentulus Crus, who was supported by others (*subscriptores*): C. Curio the father and some others defended Clodius. The jury consisted of fifty-six

⁴ Comp. Schol. Bob. in orationem in P. Clod. et Curionem, p. 329, ed. Orelli, with Cicero's letter.

men, as it was finally constituted after the prosecutor and the defendant had made their respective challenges. The prosecutor challenged the knaves who were on the original list, and the defendant challenged the honest men. As soon as the jury took their seats, all respectable persons began to distrust them, for never was a baser set of scoundrels seen in a gambling-house, senators with reputation befouled, beggarly equites, and tribunes truly named ⁵ "aerarii." There were however still a few good men among them, whom the defendant could not get rid of, for the number that he could challenge was limited, and they seemed very wretched at finding themselves in such bad company. In the preliminary proceedings when any matter was referred to the jury, they showed a wonderful strictness and unanimity: the defendant obtained nothing from them; they gave the prosecutor more than he asked for. Hortensius was congratulating himself on his acuteness: every body felt sure that Clodius would be convicted.

The prosecutor called for certain slaves of Clodius to be put to the torture, which was allowable in cases of "incestus" or offences against religion (Or. Part. c. 34). Five slaves, whose testimony Clodius most feared, were sent away from Rome, some of them to Appius Clodius, the brother of the defendant, then in Greece, and others to a bailiff of Clodius named Diogenes who lived beyond the Alps. The female slaves, who attended on Pompeia, were also put to the rack and among them the girl Abra⁶. Caesar was summoned as a witness, but he said that he knew nothing about the matter; and when the prosecutor asked him why then he had put away his wife, Caesar replied, it was because his wife ought not even to be suspected (Plut. Caesar, c. 10). His mother Aurelia and his sister Julia were also examined, but all that Aurelia said, according to the extant evidence, was that she ordered the man to be turned out, and her daughter said the same. If they had

⁵ Cicero intends to make a joke on the name of the "tribuni aerarii," one of the three classes from which the jurymen were taken, but his joke is not clear. He seems to mean that they were penniless.

⁶ Schol. Bob. in Orat. in Clodium et Curionem, p. 338.

seen the man, we must suppose that they would have known him.

Plutarch reports (Cicero, c. 29) that many men of the highest character by their testimony charged Clodius with perjury, bribery and other crimes, and L. Lucullus disgraced himself by producing female slaves to prove that Clodius had sexual commerce with his youngest sister Clodia when she was the wife of Lucullus. The Romans certainly allowed great latitude of talk and crimination, as we see in Cicero's speeches, and advocates charged men on trial with offences totally unconnected with the matters before the court; but it is hardly credible that on this occasion they allowed Lucullus to produce such evidence. We have indeed the absurd statement of Dion (37, c. 46) that Clodius was tried for three offences at once, for adultery with Caesar's wife, for exciting the mutiny before Nisibis (p. 96) and for incest with his sister, a statement which proves the profound ignorance and carelessness of the historian, for to take only one of his assertions, Clodius was not tried on the charge of adultery, but for an offence against religion in obtruding on the mysteries of the Bona Dea.

The defence of Clodius was an attempt to prove an alibi, as we term it, to prove that he was far from Rome at the time when he was charged with being in Caesar's house, and he produced a witness (Asconius in Milon. 49) C. Cassinius to give evidence that at this very time he was in the house of Cassinius at Interamna. Cicero was summoned, an unwilling witness, as we may collect from his own words: "I said nothing except what was so well-known and proved that I could not keep it back" (Ad Attic. i. 16). When he appeared in court there was a loud clamour from the supporters of Clodius, but the jury all rose and signified by gestures that they would protect the saviour of his country. Cicero gave evidence that Clodius called at his house on the very day on which the mysteries were celebrated, and only three hours before the time when he was charged with being in Caesar's house; and Interamna was ninety miles from Rome. The conclusion therefore was that Clodius was in

Rome on the evening of the festival. This evidence and Cicero's reception by the jury confounded Clodius and his advocates. On the following day Cicero was followed by a crowd as large as that which accompanied him home on the last day of his consulship. The trial, as we see, continued for two or three days at least, for the jury declared that they would not come to the court on the day after Cicero's evidence unless they were protected, a demand which seemed to indicate that they were going to convict Clodius and were afraid of the violence of his followers. The Senate granted the demand and instructed the magistrates to provide for the safety of the jury. The jury were not kept confined during the trial, and they were all exposed to solicitation and bribery. Cicero gives the name of Calvus to the man who furnished the bribe-money, and the terms in which he speaks of him leave little doubt that he means M. Licinius Crassus, who had lately pronounced a panegyric on Cicero's consulship.

In the course of two days with the assistance of a single slave, and him a gladiator, Calvus, whoever he was, did the whole business. He sent for the jury, he promised, he entreated, he gave; some of them, says Cicero, received in addition to their money a promise of the favours of certain women and even of youths of noble family, but we may reasonably doubt about giving credit to this scandal which Cicero reports and Seneca repeats after him as evidence that wickedness is not confined as some suppose to the times in which they live, but is incident to human nature. Notwithstanding all these efforts to save the defendant, and the withdrawal of all honest folks from the Forum which was occupied by slaves, and the manifest danger which threatened the jury if they gave a verdict against Clodius, there were still five and twenty who voted against him. The thirty-one, who acquitted him, were so poor that they could not resist, says Cicero, though it appears that they had already received their money, or more probably it was deposited in safe hands and would only be paid on the defendant being acquitted.

The result of this trial in Cicero's opinion (*Ad Att. i. 16. 6*) would be the ruin of the Roman State, which had been firmly established by his consulship, unless divine providence

should interfere. He cheered and comforted the honest citizens, and was continually exposing the villany of the bribed jurymen until he had silenced the partisans of Clodius who were exulting in their victory. He allowed the consul M. Piso no rest, and by his influence deprived him of the province Syria, which it was settled that Piso should have. Cicero seems to have been moved to this attack on M. Piso by personal spite, for he complained to Atticus on one occasion (i. 13) that the consul had not called on him first to give his opinion, and another consular C. Piso (consul B.C. 67) was preferred to him. This C. Piso is named contemptuously by Cicero the "pacificator of the Allobroges" (p. 266).

On the fifteenth⁷ of May Cicero spoke on the state of affairs in general and exhorted the Senate not to be disheartened by the blow which they had received: he reminded them that both Lentulus and Catilina had been twice acquitted, that Clodius was a third enemy whom a jury had let loose upon the State, but he would not always escape. Clodius who was present and had both impudence, wit and a ready tongue rose to defend himself, and Cicero has preserved in his letter to Atticus a few specimens of this contest between the orator and the quaestor; but witty sayings and repartees depend on time and place for their value. One sample is however intelligible. "The jury," said Clodius, "did not believe you on oath." "Five and twenty of them," replied Cicero, "gave me credit⁸; while one and thirty by taking their money first showed that they did not give you any."

Soon after his trial Clodius went to Sicily as quaestor under the proprætor C. Virgilius. Caesar who had obtained the Further Spain for his province (Sueton. Caesar, 18) was detained in Rome by the trial of Clodius, and he did not leave Rome before the middle of B.C. 61. As he was largely in debt, his creditors are said to have opposed his departure, but

⁷ Compare Ad Att. i. 16, and the fragments of the oration against Clodius and Curio. This oration was not delivered. It was an oratorical exercitation founded on the scene between Cicero and Clodius in the Senate, which was a trial of wit between two men whose tongues were sharp at abuse.

⁸ A play on the word "credere"—"Mihi vero, inquam, xxv judices crediderunt: xxi, quoniam nummos ante acceperunt, tibi nihil crediderunt." Ad Att. i. 16. 10.

it is not said what means they had of preventing him from going. He settled this difficulty by procuring sureties for the payment of his debts, or perhaps one surety was sufficient, for it was M. Crassus, the richest man in Rome. Caesar is reported to have said that at this time he was two thousand five hundred ten thousands of drachmae⁹ short of having nothing, an expressive way of signifying how much it would take to pay his debts. The amount for which Crassus gave security was eight hundred and thirty talents (Plut. Caesar, c. 11). We can form a good conjecture from the way in which Crassus was laying out his money about the intrigues that were then going on. As soon as Caesar was released from the clamour of his creditors, he suddenly left Rome, as Suetonius states, without waiting for the decree of the Senate for regulating his allowance, the number of his troops, and other matters. The biographer cannot decide whether this hasty departure without his outfit was due to fear of some prosecution now that he was a private man or to his desire to hurry to the relief of the provincials who were imploring his aid. We cannot understand how the first reason can explain his flight from Rome, for there was time enough to prosecute him before the middle of the year; and the second reason does not recommend itself without further explanation. An anecdote not worth reporting states that he went to Spain over the Alps, which is very unlikely. Cicero's brother Quintus had obtained Asia as his province, as Cicero informs Atticus in a letter of the fifteenth of March (i. 15).

Cicero, who had always suspected the sincerity of Pompeius (Ad Att. i. 13; i. 16. 11), began now to have a little more confidence in him, and to rely on the protection of his great friend, in whose service he had humbled himself before the electors of Rome, before the crowds who listened to his speeches from the Rostra, and whom he now describes as the bloodsuckers of the treasury, the wretched, hungry dregs

⁹ Appian, B. C. ii. 8. The 25,000,000 of Appian represent drachmae or Roman denarii, as we may assume; and if so, the amount in Appian's text is correctly expressed by the "millies sestertium," or 100,000,000 sestertii, of the Latin translation.

of the people. It was some consolation to him that those, whom he had once courted and now despised, believed that he was the particular favourite of Pompeius; and indeed at this time he and the great man were so much together that the dissolute friends of Catilina, the youngsters whose beards were beginning to grow, gave to Pompeius the nickname of "Cnaeus Cicero." Whenever Cicero appeared at the games or at the shows of gladiators, he was received with wondrous applause, and without a single hiss.

The motive of Pompeius in assuming this friendly relation towards Cicero is plain. Before leaving Asia he had settled affairs as if he were a king, instead of a Roman citizen; he had made great promises to his soldiers, and his object was to induce the Senate to confirm all that he had done. It must have been about this time that Pompeius proposed to take one of Cato's two nieces to wife and the other for his son (Plut. Pomp. c. 44). It would indeed have been a great stroke of policy to muzzle this terrible watch-dog of the republic, but Cato refused the alliance. Another version of the story is that Pompeius' proposal was for the daughters of Cato. However Pompeius succeeded in one of his designs, to secure the consulship for his former general and tool L. Afranius, though it was a most unpopular measure; but, as Cicero says, Pompeius employed the means by which King Philip used to say that any strong place might be taken, if an ass loaded with gold could get into it. It was reported that the consul M. Piso undertook the business and had the money distributors in his house, a report which Cicero declares that he does not believe. Nor should we believe that the electors came to the gardens of Pompeius to receive the money, as other authorities report (Plut. Pomp. c. 44), for though bribery was common at Rome, no man was so shameless as to do it openly, when it could be managed in other ways. However two resolutions of the Senate were made on the proposal of M. Cato and his brother-in-law L. Domitius Ahenobarbus, the first to the effect that the houses of magistrates might be searched, for the purpose, as the context shows, of discovering if any money was deposited there for election purposes; the

second, that if any man kept in his house distributors of bribe-money, he should be considered as an enemy to the State. These resolutions were directed against the consul M. Piso particularly. The tribune Aufidius Lureo proposed a law on bribery to this effect, that if a candidate promised money to a tribe and did not pay it, he should not be liable to any penalty; but if he did pay the money, he should pay each tribe three thousand sestertii annually as long as he lived. Cicero remarked that Clodius observed this law already, for he was accustomed to promise and not to pay. This foolish measure however was never enacted, though the elections were put off to the twenty-seventh of July, when the consuls elected were Q. Caecilius Metellus Celer, and L. Afranius, the son of Aulus, as Cicero names him and now on all occasions speaks of him with unmeasured contempt.

The third triumph¹ of Pompeius was celebrated on the last day of September, his birthday, according to one passage of Pliny; but in another passage he speaks of the triumph which Pompeius celebrated on the twenty-ninth of September. As the triumphal display lasted two days, we may conclude that the second day or the thirtieth of September was the real day when Pompeius entered the city. Dion states that the soldiers of Pompeius took no part in the triumphal procession, though a triumph without the men who gained the victories was quite contrary to Roman usage; and it has been remarked that Appian mentions only the generals and tribunes of Pompeius as appearing in this procession, which recorded the victories of Pompeius in the third division of the world, after he had already had a triumph for his victories in Africa and a second for his victories in Europe. Dion speaks of one magnificent trophy displayed in the triumph, which contained an inscription purporting to represent the whole world, as if Pompeius were combining all his three triumphs in one. Though there were two days' procession the time was not sufficient to display every thing, and there was enough excluded to make another triumphal show. The banners or placards, which appeared on the first day and which Pliny

¹ Plutarch, Pompeius, c. 45; Pliny, H. N. 37, c. 2, and 7. c. 26; Velleius, ii. 40; Appian, Mithridat. c. 116, 117; Dion, 37, c. 21.

names the preface to the triumph, declared that "after delivering the sea-coasts from the pirates and restoring to the Roman people the dominion of the sea, he triumphed over Asia, Pontus, Armenia, Paphlagonia, Cappadocia, Cilicia, Syria, the Scythians, Judaei, Albani, Iberia, the island Crete, the Bastarnae, and also over the kings Mithridates and Tigranes." Metellus had already triumphed over Crete, but this arrogant conqueror hereby declared that it was no triumph. In an address to the people, made probably after his triumph, Pompeius said that the province of Asia, when he took the command, was the eastern limit of the Roman empire, and when he retired from the East, it was the centre of the Roman possessions. It was also recorded that a thousand fortified places, nearly nine hundred towns, and eight hundred ships were taken, of which, according to Appian, seven hundred in perfect condition were brought into the Roman ports. The inscriptions also recorded that thirty-nine towns were settled by Pompeius, and that the produce of the taxes from foreign parts was raised by him from fifty to eighty-five millions, and there was brought into the Roman treasury in coined money and gold and silver vessels the amount of twenty thousand talents, which sum did not include what had been paid to the soldiers at Ephesus (p. 370). Waggons almost past counting carried arms; and beaks of ships were exhibited in the procession.

Most of the costly spoil was taken from the stores of Mithridates and was finally dedicated by Pompeius² in the Roman Capitol, where it was in Strabo's time (p. 557). Among these treasures was a magnificent collection of seal rings set with precious stones, once the property of Mithridates. Pliny (N. H. 37, c. 1. 2) quotes from the records (*acta*) of the triumph of Pompeius other valuable articles: a chess-board or board for playing at draughts made of two precious stones three feet wide and four long, and ornamented with a golden moon which weighed thirty pounds; three couches for the table; vessels of gold ornamented with precious stones enough for nine sideboards; three golden statues of

² He put some "rostra" and perhaps other spoils in the vestibule of his house in Rome (Cic. Phil. ii. 28).

Minerva, Mars and Apollo ; thirty-three crowns of pearls ; a quadrangular golden mountain with lions and deer upon it, and fruits of all kinds, and encircled by a golden vine, which may have been that which Aristobulus gave (p. 176). There was a small temple of the Muses made of pearls with a clock (horologium) in the pediment. The bust of Pompeius himself appeared in the pomp, also made of pearls, a signal instance of vanity and want of taste. Among other curiosities there was also a couch said to have belonged to Darius, the son of Hystaspes, a silver statue of King Pharnaces I., the conqueror of Sinope (vol. ii. 258), a silver statue of the last Mithridates, his throne and sceptre, and most wonderful of all, though certainly too wonderful to be true, a bust (εἰκών) of Mithridates eight cubits high of solid gold. The discipline of the army must have been well maintained, when so much valuable booty was saved to be exhibited to the gaze of the wondering people of Rome. Modern fashion does not allow the plunder of India or China to be carried through the streets of London, nor does modern discipline rescue from the hands of our soldiers so much barbaric spoil for the ornament of our collections and museums.

On the day of triumph there preceded the car of Pompeius, unfettered and in their country's costume, the satraps, children and generals of the vanquished kings, some of whom were captives and others were hostages, to the number of three hundred and twenty-four. Among them was Tigranes the son of Tigranes, the Armenian king, with five sons of Mithridates, and two daughters ; a king of the Colchi, Aristobulus the Jew with his son Antigonus, for Alexander had escaped (p. 190), the tyrants of the Cilicians, some royal Scythian women, three Iberian and two Albanian princes, and Menander of Laodicea, the commander of the cavalry of Mithridates. The Cretan leaders, Lasthenes and Panares, whom Metellus had made prisoners, appeared in the triumph of Pompeius. The absent kings, Tigranes and Mithridates, were represented in pictures, which showed how they fought and were conquered and fled. There was also a picture of the blockade of Mithridates and of the silent flight in the night. Last of all the manner of the death of Mithridates was repre-

sented, and his daughters who died with him were painted in the same picture; and there were portraits of the sons and daughters who died before him. There were also likenesses of the barbaric gods in their proper costume. The conqueror was in a chariot adorned with precious stones, wearing a cloak, which once belonged to Alexander of Macedonia, if we may believe the story, says Appian; however it was supposed to have been found among the property of Mithridates, who received it from the people of Cos with other things belonging to the Egyptian queen Cleopatra (vol. ii. 271). The commanders who had served under Pompeius followed, some on horseback and some on foot. When the procession reached the Capitol, Pompeius did not order a single captive to be put to death, as other triumphant Romans had done (vol. ii. 12), but he sent them home at the public cost, except the royal captives. Appian states that Aristobulus was soon after put to death and Tigranes at a later time, but he is wrong in both statements. Lasthenes and Panares owed their lives to Pompeius having got them out of the hands of Metellus, who was cruel. Pompeius built in Rome to commemorate his exploits a temple of Minerva, with an inscription which recorded his victories. This inscription named "Breviarium" or summary by Pliny (N. H. 7, c. 26) has both in matter and form the appearance of a genuine Roman inscription. An inscription in Greek is contained in Diodorus (Excerpt. Vat. 129) which affects to be a copy, by which we may perhaps understand a translation, of another inscription, which records at greater length the victories of Pompeius Magnus Imperator. But this inscription in Diodorus has not a genuine appearance, and it contains some statements which are certainly not true, Like the Breviarium it is a dedication to "the goddess," who may be Minerva, of statues and other offerings taken from foreign temples, and of the spoils of the enemies of Rome. The conclusion of the Greek text is ambiguous, and perhaps corrupt, for it may either indicate the value of all these precious things or the amount of gold and silver money deposited in the temple³.

³ There is an expression in this inscription, τὰ δρια τῆς ἡγεμονίας τοῖς δροῖς τῆς γῆς προσβιβάζας, "having extended the limits of the empire to the limits

On the fifth of December B.C. 61 Cicero in a letter to his friend Atticus (i. 17. 8) informs him that public affairs are in a wretched condition. It had happened that on one occasion when Cicero was not in the Senate, a resolution was made for the purpose of bringing to trial those who had taken bribes as jurymen. The resolution doubtless referred to the recent acquittal of Clodius, and the Equites felt themselves much aggrieved by it, which seems to imply that they believed some of their body to be guilty, for the resolution was applicable to all who had acted as jurymen on the trial of Clodius. The Equites had supported Cicero in his consulship, and as he considered the union which he had effected between the Senate and the Equites necessary for the conservation of the State and the great work of his consulship, he was very anxious to prevent a breach between the two orders. Accordingly he persuaded the Senate, as we may infer, to rescind their resolution, though he says it is just that a jurymen, who has received a bribe, should be tried (*Ad Att.* ii. 1. 8). It was not a very decent cause to defend, he remarks, but he spoke earnestly and at great length for the purpose of showing the impolicy of the proceeding. Another matter added to the difficulties of the situation. A company of Publicani, who of course belonged to the order of Equites, had taken from the Censors a lease of the taxes of the province Asia, and they now came to the Senate to complain that in their excessive eagerness to make the contract they had offered too much, and they asked the Senate to rescind the agreement. Crassus encouraged the Equites to seek this relief, and Cicero supported their prayer in a full Senate on the first and second of December, when he spoke at length on the dignity and unanimity of the two orders. "It was an odious kind of business," he says, "a disgraceful demand for the Equites to make, and a confession of imprudence." "But it was necessary," he says in another letter, "to submit to this demand in order to avoid a rupture."

of the earth," which has some resemblance, though it is not so extravagant, to the bombastic language of Cicero about Pompeius (*In Cat.* iii. 11), "*quorum alter (Pompeius) fines vestri imperii non terrae sed caeli regionibus terminaret,*" and (*In Cat.* iv. 10), "*anteponatur omaibus Pompeius, cujus res gestae atque virtutes iisdem quibus solis cursus regionibus ac terminis continentur.*"

In answer to the supposed question of Atticus, whether they must bribe the Equites to continue on good terms with the Senate, Cicero answers, "What must we do, if there is no other way? Must we become the slaves of freedmen and even the slaves of slaves?" (Ad Attic. ii. 1. 8.) Nothing was done in the month of December, but the good disposition of the Senate was ascertained. Metellus, one of the consuls elect, was the only man who spoke against the claim of the Equites. "Our hero Cato," Cicero says, "intended to speak, but his turn did not come because the days were short," and the Senate did not sit after dark. Cicero's object was to maintain the unity of the two orders, but as the prospect of friendly agreement between them was not good, he was looking out for some sure way of maintaining his own influence and interests. He cannot explain himself sufficiently in a letter, but he gives his friend a hint by adding, "I am on the most intimate terms with Pompeius." In reply to the caution which he supposes that Atticus may suggest, he says, "I will be cautious, wherever caution is necessary." This business of the Publicani was not settled on the twenty-second of January B.C. 60, for Cato was still opposed to granting the prayer of the Equites, whom he had now been worrying for three months (Ad Attic. i. 18. 7).

Dion (37, c. 46) records that the Censors of the year B.C. 61 enrolled among the Senate all those who had filled such offices as qualified them for admission into that body, though this measure raised the Senate above "the number;" but he does not say what the number was. Up to this time also it had been the practice for the people to sit through the whole day to witness the fights of gladiators, but they now rose during the entertainment and took some refreshment.

CHAPTER XVIII.

CAESAR IN SPAIN.

B.C. 63—60.

C. POMPTINUS, one of the praetors of B.C. 63, had the province of Gallia Narbonensis in B.C. 62 and 61. The Allobroges, who had sent a mission to Rome in B.C. 63, to obtain redress of their grievances, got nothing, so far as we know, except some presents which were given to the ambassadors for their services in detecting the conspiracy. In the year B.C. 61, according to Dion's chronology (37, c. 47) the nation rose in arms against the Romans. Pomptinus sent his officers to oppose the insurgents, and himself chose a position which would enable him to act according to circumstances. Manlius Lentinus advanced upon Ventia, a place of which we know nothing, and his approach struck such terror into the enemy that the greater part ran away and the rest sued for peace. However the country-folks suddenly assembled and drove Lentinus from the town, who then ravaged the lands of the Allobroges until Catagnatus the chief of the nation with some of those who dwelt along the Isara (Isère) came to their aid. The Galli crossed the Isère in numerous boats, which Lentinus did not venture to oppose, but he placed his troops in ambuscade in the woods which lined the bank on his side of the river and destroyed the Galli as they landed. In his pursuit of some of the fugitives Lentinus fell in with Catagnatus, and he and all his men would have perished, if a violent storm had not suddenly risen and saved them from the enemy. After Catagnatus had retired, Lentinus again ravaged the lands of the Allobroges, and took Ventia.

L. Marius and Servius Galba, two other officers of Pomptinus, crossed the Rhone and ravaged the territory of the Allobroges till they reached a town named Solonium or Solon (Livy, *Epit.* 103), and having occupied a strong position above the town defeated the enemy in a battle and burnt part of the town which was built of wood; but the arrival of Catagnatus prevented the Romans from getting possession of Solonium. Pomptinus upon hearing the news advanced with all his force and took the town by blockade. Catagnatus made his escape and Pomptinus soon reduced all the territory to submission. A passage in Caesar (*B. G.* i. 11) in which it is said that the Allobroges possessed some places north of the Rhone, which means north of the Rhone between the Jura and the junction of the river with the Saone, helps to explain the narrative of Dion, which without this explanation would be unintelligible. There is no evidence for the site of Solonium. A certain resemblance of name has led some critics to fix it at Sallonaz in the department of Ain near the small river Brivas.

In a letter of the fifteenth of March B.C. 61 Cicero announces to his friend Atticus that his brother Quintus, who had been praetor in B.C. 62 had obtained the government of the province Asia (*Ad Att.* i. 15), and he promises to send Atticus a letter by Quintus. Atticus was then somewhere in Greece and Cicero supposed that Quintus would see him on his road to Asia. The province, which C. Caesar had obtained, was Hispania Ulterior, Further Spain, which comprehended Lusitania. We know nothing of his short government of this Spanish province except from the Greek compilers Appian (*B. C.* ii. 8) and Dion (37, c. 52), and from Plutarch. On reaching the country instead of going the circuit of the different cities, or presiding at trials or doing things of that kind, which were of no use towards the ends which he had in view, he collected a force and attacked severally those Iberian people who had not yet submitted, until he made all Iberia (Spain) tributary to Rome. He sent a large amount of money to the Roman treasury, for which service the Senate granted him a triumph. This is all that Appian says, which is evidently an abridgment of some longer narrative, and it is

in the usual style of his work, in which he attempts to express in a few words the substance of many, and the result is, as in this passage, a vague statement in general terms, which really tells us nothing. But Plutarch (Caesar, c. 12) informs us that after his military success Caesar established friendly relations among the different states in his province, and settled the disputes between debtors and creditors. As soon as the Italian capitalists established themselves in a province we read of heavy debts and importunate creditors. The debtors were the provincials and the creditors were the "negotiatores" the bankers and money-lenders of Rome, who lent their own capital and were also the agents of rich men at home. The condition of the province Asia in the time of Lucullus (p. 75) is an example of the rapacity of Roman creditors, who by adding interest to principal crushed the unhappy debtor under a load of debt, as the money-lenders treat young men in England now, where a large creditor's demand is founded on a small original debt. Caesar determined that the creditor should annually take two-thirds of the debtor's income, and the owner should have the other third, until the debt was paid; an arrangement which might be satisfactory to both sides, but is much easier to make than to enforce. The troubles of the Spanish cultivators were no doubt partly due to the taxes imposed on them by Q. Metellus Pius during the war with Sertorius, and Caesar earned the gratitude of the Spaniards by inducing the Senate to relieve them of this burden (De Bell. Hisp. c. 42). Caesar had visited the antient Phoenician town of Gades (Cadiz) in his quaestorship, and he was now useful to the people in his praetorship by settling disputes among them, and by establishing with their consent useful rules of law, for Gades was a city which by treaty with Rome had its own constitution and was not under the direct administration of the praetor (Cic. Pro Balbo, c. 19). He also abolished a very antient barbarous usage, as Cicero describes it, inveterately rooted in the manners and customs of the Gaditani. We are not told what this usage was, but it is conjectured that it may have been human sacrifices.

Caesar found two legions in his province, and he raised another legion, which he led against the inhabitants of the

Mons Herminius (Serra Estrella), the mountain range between the rivers Tagus and Mondego. His pretext was that these people sallying from their strong places in the hills plundered the country, and he ordered them to come down and settle in the plains. On their refusal to obey and taking up arms, Caesar reduced them to submission. The neighbouring people being afraid that they also would be attacked sent their wives and children with their most valuable movables north of the river Durus (Douro), and while they were doing this, Caesar took possession of their cities. The barbarians left their sheep and cattle in the way of the Romans, in the hope of attacking them while they were making booty, but Caesar was not deceived by such a palpable stratagem. He followed up the enemy and defeated them.

The inhabitants of the Herminius again rose in arms and laid an ambushade for the purpose of attacking the Romans on their return over the mountains, but Caesar took another road, and falling on the Lusitanians drove them before him to the shores of the Atlantic. The fugitives left the mainland and took refuge in an island near the coast, which is supposed to be the present peninsula named Peniche de Cima, north of Lisbon (about 39° 20' N. lat.¹). Caesar having no boats constructed rafts on which he conveyed part of his troops to the island. But he lost many of his men, for the commander of this force, having brought the Roman soldiers to a certain place near the island, and having landed them there in the expectation that they would be able to cross over to the island, was carried off by the rising tide and deserted his men, all of whom were killed after making a brave resistance. One P. Scaevius alone, though he lost his shield and had received many wounds, threw himself into the sea and escaped by swimming. This narrative of Dion, which is evidently founded on some authority, is spoiled by the historian's in-

¹ *Histoire de César*, vol. i. 359. The author quotes an authority who says that the position and character of this place correspond to Dion's description, and adds, "outre qu'elle est unique et peu distante de la terre ferme, nous voyons qu'à la mer basse on peut traverser à sec le détroit qui la sépare, et avec bien plus de facilité encore qu'on n'aurait pu le faire dans les temps antiques, par la raison que la mer a ensablé une grande partie de cette côte, et produit ce résultat que la marée occupe ce terrain avec moins d'élévation" (Strabo, p. 142).

capacity to describe military operations, and it could only be made intelligible by a knowledge of the localities. Caesar now sent for ships from Gades, in which he carried over his men into the island and without any trouble reduced the starving Lusitanians to submission.

It was in the year B.C. 60, if we may trust the chronology of Obsequens (123), that Caesar sailed northwards to Brigantium in the country of the Callaici, according to Dion's geography. The people of Brigantium were so much terrified by the approach of a fleet, for according to the improbable narrative of the historian they had never seen one before, that they submitted to Caesar. The only indication that we have of the site of Brigantium is in Ptolemy's geography (ii. 6, § 4), where it is placed in the country of the Callaici Lucensii and on the Great Port, or the Bay of Betanzos.

Appian reports that Caesar sent a large sum of money from Spain to the Roman treasury, which seems doubtful. He is charged by Suetonius (Caesar, c. 54) with receiving money from the provincials, and even with asking for it in order to free himself from his pecuniary embarrassment, and with plundering some Lusitanian towns which made no resistance. It is difficult to believe that he could get much by robbing the poor Lusitanians, but it is possible that his friends the Gaditanians and the Roman Publicani might make him presents, as he was expected to be consul next year and might be useful to them. The Senate granted Caesar a triumph for his victories, and without waiting for his successor he hurried to Rome.

The first news of the year B.C. 60 which Cicero sends to Atticus (i. 18) is the announcement that the festival of Juventas was not celebrated, and, as he jocosely observes, because C. Memmius, who, as we must suppose, should have superintended the festival, had been "initiating into certain sacred rites of his own the wife of M. Lucullus," or in plain words had committed adultery with the woman, who was consequently divorced by her husband. A more serious matter for Cicero was the design of the tribune C. Herennius to transfer P. Clodius from the patricians to the plebeians, in order to qualify him to be elected a tribune,

which qualification was to be effected by a vote of all the people in the Campus Martius. Finally an Agrarian law was promulgated by L. Flavius almost the same as the Plotia, of which however we know nothing. Cicero himself still turned his thoughts to public affairs, but he had no inclination to put himself forward and he confined himself to his usual attacks on P. Clodius. There was not a single "political" man, as he says, using a Greek word (*πολιτικός*), not one who looked wisely after the public interest. He who might have been such—Cicero's intimate friend Pompeius, for so he was, as Cicero says, and he would have Atticus know it—admires his embroidered toga, that is, his triumphal dress, and says nothing. Crassus did not say a word that could injure his popularity. "The rest," says Cicero (i. 18. 6), "are such fools as to think that if the State is overthrown they shall be able to keep their fishponds." These are the men whom he contemptuously names "the fishpond fellows," the rich nobles who after the fashion of the day spent large sums on their fish preserves, who thought themselves perfectly happy if they possessed bearded mullets tame enough to feed out of the hand (*Ad Attic.* ii. 1. 7); men like many of the rich in all countries who thought of nothing but enjoying their wealth. Cato was the only man who looked carefully after the interests of the State, but with more firmness and honesty than prudence or ability, as Cicero thought. This was the state of affairs about the end of January B.C. 60 in the consulship of Q. Metellus Celer and L. Afranius.

Pompeius (*Dion*, 37, c. 49) expected the new consuls to aid him in obtaining from the Senate a confirmation of all his arrangements in Asia and a grant of the lands which he had promised his soldiers. But Afranius was too feeble to help his master; and Metellus Celer, who had served under Pompeius, was vexed with him for putting away his wife Mucia, who was a kinswoman of Metellus; and he was also attached to the party of the nobility. Pompeius had made M. Crassus, L. Lucullus and Metellus Creticus enemies by his insolence and arrogant pretensions. Cato of course opposed him. L. Lucullus observed that Pompeius asked for a confirmation of all that he had done in Asia, as if he were the master of the State; and

he argued that every arrangement that Pompeius had made should be separately considered, for the Senate at present knew nothing at all about many things which he had done. Besides this, Pompeius had annulled some of the regulations made in Asia by Lucullus, who contended that the Senate should inquire into what each of them had done, and confirm those regulations which they should judge to be best.

The Agrarian law of the tribune L. Flavius was strongly supported by Pompeius, but opposed by the Senate, who suspected that the design of it was to increase the power of Pompeius (*Ad Att.* i. 19. 4). Cicero spoke against it before the Popular Assembly, and we only know what the proposed law was from his letter to Atticus. With the full consent of the Assembly Cicero proposed to strike out of the bill all the clauses which injuriously affected individuals. He excepted from the operation of the bill all that land "which had been (declared) public property" in the consulship of P. Mucius Scaevola and L. Calpurnius Piso in B.C. 133, which year was the tribunate of Ti. Sempronius Gracchus (*vol. i. c. 12*). We do not know what the bill of Flavius proposed to do with those who were in the possession of this land, for Cicero says nothing about taking it from them and giving them compensation. Cicero also proposed to confirm all "Sulla's men" in their possessions, from which we conclude that the bill proposed to turn them out, whether with compensation or not, we do not know. Sulla had confiscated the lands of the people of Volaterrae and Arretium, but he had not distributed them among others. The bill proposed to do what the tyrant had left undone, but Cicero persuaded the people to reject this unjust clause. One part of the bill he consented to, that land should be purchased for distribution among the soldiers of Pompeius out of the money which should be received during the next five years from the new revenues in Asia. Accordingly, as he says, he pleased the "Agrarii," the large landholders, by protecting all land which was in the possession of private persons (*Ad Att.* i. 19); and these possessors were his army, as he calls them, the rich: from which we collect that Cicero was not exerting himself to save the poor man's bit of land, if it fell within the provisions of the Flavian bill, though

of course it would be saved with the rest, but he was striving to keep untouched the large estates of those who were affected by the bill.

From very early times we read of Roman nobles holding large tracts of public land and of the poor citizens claiming it for their own use. Assignments of this land in small allotments were repeatedly made under various Agrarian laws, and some of the poor thus obtained what they demanded. But still we read of poverty in the city, and of land being held in large masses by the rich. This system of granting allotments produced directly many small proprietors : indirectly it led to the accumulation of land in the hands of the few, and the explanation is not difficult. We find examples of small estates being granted by the State with a prohibition against selling, but such a prohibition was useless. If from any cause a man could not live on his land, and could not sell it, he would leave it, and take refuge in Rome, where at least from the time of C. Gracchus he would receive his allowance of corn, and gain a precarious living in various ways, as many poor people now do in large towns. It would be the kind of life, which has been aptly termed a "dog's life," passed between idleness and hunger. But the causes for the poor getting rid of their allotments were many, and we may assume that they did sell them. When a man was encumbered by a mortgage, when his land was neglected during his military service, when he was indolent and improvident, when the presence of a rich neighbour oppressed him, he would be willing to sell, and as there were always rich people ready to buy and able to give more than others, the accumulation of land in the hands of the rich was inevitable. The fact is certain that the Roman nobles were at this time and always had been large proprietors. In spite of revolution, confiscation, and the continual planting of the poor on the land, those who had money got the land at last : and while the Roman reformers were constantly settling the poor citizens on their allotments, the settlers or their descendants found their way back to Rome, for the life of him who tills the ground is a hard service, and we know that men are only kept to it when they can find no easier way of living. One object

of the land bill of Flavius appears to have been to make a fresh distribution of certain lands in smaller lots, and that would be accomplished by getting rid of the great proprietors in some way. Thus the work was always going on. The town sent forth the poor on the land, and the land sent them back. We do not indeed learn from Cicero, and we have no other authority, what was at this time the title to this land, which had been public land in B.C. 133; but if it had either been assigned to settlers in small allotments, or sold, its quality as public land had certainly ceased, and the bill therefore proposed in some way to deal with those who were now the proprietors. Cicero had the pleasure of satisfying Pompeius, and also satisfying the people by proposing the purchase of lands, by which measure carefully executed he expected that the city would be drained of the dregs of the population and the deserted parts of Italy would be filled with inhabitants. This agrees with Dion's statement that Flavius proposed to give allotments to all the citizens that they might the more readily vote for the land bill and also for the confirmation of Pompeius' arrangements in the East. In his speech against the measure of Rullus delivered in his consulship, Cicero spoke of the dregs of the population in very different terms and urged them not to give up the pleasures and advantages of Rome for miserable plots on barren wastes and pestilent swamps (p. 253); but his defence of this inconsistency might be that he did not like the bill of Flavius, and as he says, only tried to make the best of the proposal, if it should become a law.

Metellus still opposed the tribune's bill, who thereupon using his authority threw the consul into prison. The consul then summoned the Senate to his prison, but the tribune met this movement by placing his official seat close to the entrance and preventing any senator from going in. The next manoeuvre of Metellus was to order a hole to be made in the wall so that the Senate could pass in to him, and he made preparation for spending the night in prison. Pompeius had too much sense to let this foolery be continued and he ordered the silly tribune to desist, giving out that he did this at the request of Metellus, but nobody believed him. Flavius then

tried to subdue the consul's obstinacy by declaring that he would not allow him to go to his province, but this threat had no effect, and the bill was dropped, for Pompeius now saw that he was powerless, and as Dion says (37, c. 50), though his assertion is merely his own opinion, Pompeius repented of having disbanded his army and exposed himself to the assaults of his enemies.

This was the end for the present of the land scheme, part of which was designed, as Cicero says, to clear the city of the rabble and to put them on the land. This expedient has been suggested even in our own days; and the notion of relieving distress by finding land for the poor to cultivate still lurks in the heads of crazy politicians, who propose it as a remedy for those social diseases, which can only be alleviated, but defy all cure. The large town is the sink, as Cicero would call it, to which flow the poverty and misery of the country, and the Romans never found the means of turning the stream back to fertilize their waste lands, nor can we, who have no wastes to allot, try this dangerous experiment in any form. The excitement about this land bill was cooled by the rumour of a Gallic war (*Ad Att.* i. 19). It was reported that the Aedui, who were allies of Rome, were in arms, and that the Sequani had been defeated²; and there was no doubt that the Helvetii were making incursions into the Roman province in the south of France. The Senate resolved that the consuls should cast lots for the two Gallic provinces, Gallia south of the Alps, and Gallia north of the Alps; that troops should be raised, that no exemptions from service be allowed, and that commissioners be sent with sufficient powers to visit the Gallic states and to prevent them from joining the Helvetii. The commissioners appointed were Q. Metellus Creticus, L. Flaccus and Cn. Lentulus, the son of Cn. Lentulus Clodianus. When the commissioners were chosen by lot out of the men of consular rank and Cicero's lot was drawn first, all the Senate declared that he must be kept in Rome. The same thing happened to Pompeius. Cicero considered that both of them were kept at home as if they were pledges

² Perhaps this allusion to the Aedui and Sequani is explained by Caesar (*B. G.* i. 31; vi. 12).

to the State; they were too valuable to be risked on such a mission. But the Senate may have had other reasons for keeping Pompeius at Rome. Cicero seeing the enemies by whom he was surrounded thought it prudent to look out for allies, and at last in or before March (B.C. 60) he prevailed on his great friend, who had been too long silent, to declare in the Senate not once, but often and in many words that Cicero had been the saviour of the empire and the whole world; a declaration not so much in the interest of Cicero, for his acts required no man's testimony or praise, as in the interest of the State, because there were some bad men who thought that a disagreement might arise between Pompeius and Cicero in respect of what he had done in his consulship (*Ad Att.* i. 19. 7).

Caesar may have reached Rome early in June B.C. 60 (*Ad Att.* ii. 1. 9). At the end of B.C. 61 Cicero says that Caesar was thinking of making a coalition with L. Lucceius, who intended to be a candidate for the consulship next year, and Caesar's friend Q. Arrius would manage the business. Bibulus, who had been Caesar's colleague before, also thought that he could make a coalition with Caesar with the help of C. Piso (*Ad Att.* i. 17. 11). When Caesar arrived at Rome, the day for the consular elections was fixed, and it was necessary for him personally to declare himself a candidate and for that purpose to enter the city. But this was impossible, if he waited outside the walls, as he must do, to enjoy his triumph, and accordingly his friends in the Senate prayed that Caesar might be allowed to be a candidate though he could not be present, for this permission had been already granted to others. To prevent a decision Cato wasted the day in talking, but Caesar promptly settled the matter by giving up his triumph, though he had made great preparations for it, and entering the city. As Caesar possessed the influence and Lucceius the money, it was agreed that Lucceius should pay and Caesar should give him the benefit of his interest with the electors. The Optimates, who were afraid of Caesar and of what he might do in his consulate if he had a complying colleague, resolved to support Bibulus, and urged him to bid as high for votes as Lucceius. Many of the

nobles subscribed money to aid Bibulus in his canvass, and even the "hero" Cato did not deny that this outlay was for the public advantage. Thus the election of Bibulus was secured. Luceius lost his money, and Caesar got the consulship (Plut. Cato, c. 31; Sueton. Caesar, 18, 19).

The Senate had already assigned to the consuls Afranius and Metellus the two Galliae as their provinces; and anticipating Caesar's election this year, they resolved to give him a province in which he could do no harm. Accordingly when they determined the consular provinces, pursuant to the Sempronian law (vol. i., p. 270), for the consuls who were going to be elected, they assigned to them the superintendence of the forests and pastures of Italy.

This insult, in the opinion of Suetonius (Caesar, c. 19), was the immediate cause of Caesar seeking a closer union with Pompeius, who was disgusted at the Senate's delay in confirming his regulations in Asia. Caesar also brought about a reconciliation between Pompeius and M. Crassus, who had quarrelled in their consulship and had never been friends since. The three formed an alliance on this footing that nothing should be done in the State, to which any one of them objected, as Suetonius expresses it; but though the confederates must have well understood on what terms and for what purposes they formed this coalition, we do not suppose that they came to any formal agreement which either Suetonius or any other writer knew. Perhaps we may infer from the words of Suetonius that he supposed the confederation to have been made after Caesar's election, but some authorities tell us that it was made before. The question is not material, but a letter of Cicero to Atticus (ii. 3) shows that the reconciliation with Crassus was not effected before the end of the year. Cicero is writing to his friend of the policy that he should adopt in the following January when Caesar would be in office, and, as it was expected, would propose a land bill. Cicero knows that Caesar expects him to support it, for Cornelius Balbus, the man from Gades, now an intimate friend of Caesar, and an old friend of Pompeius (vol. ii. 479), had been with him. Balbus declared that Caesar would take the advice of Cicero and Pompeius in all

matters and would endeavour to reconcile Crassus and Pompeius. This was a pleasant prospect for Cicero; the closest intimacy with Pompeius, to whom however he cannot avoid giving a nickname in the beginning of this very letter as he does on many other occasions; the most friendly relations with Caesar; reconciliation with his enemies, peace with the multitude and quiet for his old age. He might now be safe from all attacks by merely submitting to those who were willing to protect him, if he would employ his tongue on their side. But a recollection of three verses out of his own poem on his consulship—for he had already celebrated that glorious year in a memoir in Greek prose and a poem in Latin hexameters—urged him to go on in the career which he had begun in his youth and continued in his consulship, and to add to his fame a fair name. This self-exhortation prompted by the Muse Calliope herself made him hold fast to the noble precept of Homer,—

εἰς οἰωνὸς ἄριστος ἀμύνεσθαι περὶ πατρὸς,

to fight and die for his country.

The object of this confederation must have been manifest from the first, and if there was a doubt in any man's mind, the next year cleared it up. The learned Varro wrote a pamphlet on the coalition which he named "the triple head" (Appian, B. C. ii. 9). If Cicero was half-deceived for a short time, his delusion did not last long. The coalition was Caesar's work. The motives of Pompeius for accepting Caesar's proposals have been shown. He was in an awkward position as to what he had done in Asia, and did not know how to get out of it without Caesar's assistance, in return for which he must submit to do Caesar's work. Crassus had no great talents, but he was the richest man in Rome, and if he could not help the other two confederates much by his abilities, his money had been already useful to Caesar, and for this service some return was due, and it was at least prudent to stop his opposition by letting him into the coalition. The historian Dion Cassius closes his thirty-seventh book with five chapters of reflections on the

coalition, which are rather tedious and, so far as they are worth any thing, only anticipate what the course of events will show. Horace (*Carm.* ii. 1) at a later time dated the commencement of the great civil war from the consulship of Metellus (B.C. 60); but the confederation was not the commencement of a civil war. It was a coalition which deferred it for more than ten years.

Some time in B.C. 60 Q. Caccilius Metellus Nepos, who was now praetor, introduced and carried a bill for the abolition of the tolls and duties (*portoria*) in Italy. The measure was considered a great relief to Rome and other parts of Italy, and it seems to have been facilitated by the fact of the public revenue being greatly increased by the additions made to it by the Eastern conquests of Pompeius. The Senate however being ill-disposed to Metellus attempted unsuccessfully to deprive him of the honour of giving his name to the bill. Cicero remarks that the Italians did not complain so much of the "*portoria*" as of the exactions of the collectors; but he observes in the following year in a letter to Atticus (ii. 16), that the aristocratical party (the "*boni*") were the more dissatisfied with the Agrarian law of Caesar, because after the repeal of the tolls and the division of the Campanian territory there would be no revenue derived from Italy except the old tax called the "*vicesima*" or twentieth, a tax of five per cent. on the value of manumitted slaves.

The duties named *Portoria* were paid in the ports both on imported and exported articles, as we suppose, but we know little about them at this time (p. 67). There were also inland duties paid at various places, and these tolls would be a great hindrance to trade in Italy, as they were in France before the Revolution of '89. The abolition of the Italian tolls was a wise measure in favour of commerce. It was proposed by a man of no great name, but if we may form our opinion of him from what he did, he had much better notions about public economy than Cicero or his aristocratical friends, or than the great reformer C. Gracchus, if it is true that he established, or attempted to establish, new duties (*Portoria*, Velleius, ii. 6).

In this year (Dion, 37, c. 51) Faustus Sulla, the dictator's

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son, exhibited gladiators in honour of his father and pursuant to his will, but no reason is given why this pious duty had been so long deferred. Faustus also feasted the people in splendid style, opened the baths to them free of cost and gave them an allowance of oil.

CHAPTER XIX.

C. CAESAR CONSUL.

B.C. 59.

NEARLY all the contemporary evidence of the events of Caesar's consulship is in two and twenty letters from Cicero to Atticus (Lib. ii.), of which the earlier letters were written in the country, and the rest at Rome; and one to his brother Quintus, who was then in Asia. Cicero was discontented with the state of public affairs, despondent and irresolute. He tried to distract his mind by moving from one of his country houses to another, and by planning a work on geography which he never finished and perhaps never began. He talked also of making a collection of Anecdota, as he names them, or secret histories, in the style of Theopompus, or even more biting, which he would read to Atticus only. His political life was ended, and his literary activity was chilled. He says, when he was at Antium after the trial and conviction of Antonius, that nothing could tear him away from his quiet repose: he amused himself with his books of which he had a good stock, or with counting the waves on the sea-shore, for the weather was not favourable for fishing. But he was altogether averse from writing, and so unnerved that he would rather wear away his life in tranquillity under a tyrant than enter on political strife even with the best hopes of success. But he was in Rome again, perhaps at some time early in June.

The other authorities for this period are a few passages in Cicero's orations, Suetonius, Dion Cassius, Appian, and

Plutarch's Lives¹. Appian is often a careless compiler; but he was honest, he told the truth as far as he could, and his judgment on political affairs was correct in the main. Both he and Dion, we may assume, used Livy's history of this period, but all that remains of it is in the Epitome (Lib. 103), and we may conclude that it was very incomplete. Any history of this year of revolution must be a piece of patch-work; and Dion and Appian ought to have done it better than it can be done now. If they did not, it is still useful to see how an antient writer treated the matter. Appian's narrative is the better of the two, and though it contains some errors, as a general sketch it is substantially true.

(C. 10.) "As soon as Caesar and Bibulus entered on the consulship, they began to quarrel and to make preparations to support their parties by force. But Caesar, who possessed great powers of dissimulation, addressed Bibulus in the Senate and urged unanimity on the ground that their disputes would damage the public interest. Having thus got credit for peaceable intentions he threw Bibulus off his guard, who had no suspicion of what was going on, while Caesar in the mean time was getting together a strong force, and introducing into the Senate laws in favour of the poor, under which he proposed to distribute land among them, and the best land in Italy, that about Capua, which at the present time was let on the public account². He proposed to distribute this land among the heads of families who had three children, by which measure he would gain the goodwill of a large multitude, for the number of those who had three children was twenty thousand. This proposal met with opposition from many of the senators, and Caesar pretending to be much vexed at their unfair behaviour abruptly left the house, and never called the Senate together again during the

¹ Suetonius, Caesar, c. 20—22; Dion Cassius, 38, c. 1—12; Appian, B. C. ii. 10—14; Plutarch, Lives of Caesar, Pompeius, Cato Minor, and Cicero.

² There is some error here in Appian's text. Schweighauser proposes to read *ἡ ἐς τὰ κοινὰ διέμισθούτο*, which the sense requires. Compare Suetonius, Caesar, c. 20. The reader will observe that I am not translating Appian. I am only attempting to give his meaning, which sometimes is not easy, though his style is apparently very simple.

remainder of his consulship, but addressed the people from the Rostra. He also in presence of the assembly asked the opinion of Pompeius and Crassus about the laws, which both of them approved of, and the people came to vote on them with daggers concealed.

(C. 11.) Now as the Senate was not convened, for one consul could not summon the senators without the consent of the other consul, the senators used to meet at the house of Bibulus, but they could make no real opposition to Caesar's power. However it was agreed that Bibulus should oppose Caesar's laws, as they thought it better to be defeated than to bear the imputation of neglecting their duty. Bibulus accordingly suddenly entered the Forum, while Caesar was haranguing the people, upon which there was mutual abuse and tumult, and the two parties came to blows. The men who were armed with daggers broke the fasces of Bibulus and wounded some of the tribunes about him. Bibulus, who was not frightened, bared his throat and called aloud to Caesar's friends to finish what they had begun; 'for if I cannot,' he said, 'persuade Caesar to do what is right, by dying thus I shall fix on him the guilt of this crime.' However his friends drew off Bibulus against his will to the neighbouring temple of Jupiter Stator*. Cato was then urged to take part in the fray, and as he was young, he forced his way into the midst of the assembly and began to address the people, but Caesar's men took him up in their arms and carried him off. However he returned by another way and sprang up again on the Rostra. As nobody listened to him, he did not address himself to the assembly, but he continued abusing Caesar in a coarse way until he was ejected a second time.

(C. 12.) Now Caesar secured the enactment of the laws, and bound the people by an oath to the perpetual observance of them, and he required the same oath from the Senate. As many of the senators opposed him, and Cato among them, Caesar proposed death as the penalty for not taking the oath, and the assembly ratified his proposal. Upon this

* *ἐπὶ τοῦ Κρησίου Διὸς* in Appian's text; but *Κρησίον* has been properly altered to *Στησίον*.

all took the oath immediately through fear, and the tribunes also took it, for there was no longer any use in making opposition after the proposal was ratified.

Now Vettius, a man of plebeian condition, appeared in public with a bare dagger and said that he had been suborned by Bibulus, Cicero and Cato to kill Caesar and Pompeius, and that the dagger had been given to him by Postumius, a lictor of Bibulus. Though the circumstances gave rise to suspicions in both ways"—probably Appian means suspicions of the veracity of Vettius, and also suspicions that he might be telling the truth—"Caesar made use of this opportunity to exasperate the people, but the examination of Vettius was deferred to the next day. Vettius in the mean time was put in prison, but during the night he was murdered. Various conjectures were formed about this matter, but Caesar persisted in saying that the deed was done by those who were afraid of the evidence of Vettius, until the people permitted him to protect those whose lives were in danger from the alleged designs. Bibulus now gave up altogether the exercise of his authority and never left his house during the remainder of his consulship.

(C. 13.) Caesar, though he had all the power in his hands, made no inquiry about the affair of Vettius; but he proposed several laws adapted to gain the favour of the people, and particularly he ratified all that Pompeius had done, as he had promised to Pompeius that he would do. Those, who were named the Equites and formed an order intermediate between the Senate and the people, possessed very great power, both through their wealth and by farming the taxes which were imposed on the subject states, and also by reason of the very large number of persons devoted to their interests whom they employed in the collection of their revenues. The Equites had for some time been petitioning the Senate to grant them a remission of a certain portion of the amount which they had agreed to pay, but the Senate deferred their decision. Caesar, who had now no occasion to conciliate the Senate and only addressed himself to the people, remitted one-third of the sum which the Equites were bound to pay. The Equites on receiving this favour, which was

more than they expected, extolled Caesar to the skies, and by this one measure he gained another body of adherents more powerful than the people. Caesar also exhibited spectacles and hunts of wild animals, borrowing beyond his means for these purposes, and surpassing all former exhibitions in the profusion of display and in splendid largesses. In return for all this the people appointed him to the government of Gallia within the Alps and Gallia beyond the Alps for five years and allowed him four legions.

(C. 14.) Caesar seeing that he would be a long time absent from Rome, and that envy towards him would be in proportion to the great powers conferred on him, gave his daughter in marriage to Pompeius, though she was betrothed to Caepio, which he did lest Pompeius, though he was his friend, should envy his great prosperity. He also promoted the most audacious of his partisans to the magistracies for the following year. He secured the consulship for Aulus Gabinius, one of his own friends, and he married Calpurnia, the daughter of L. Piso, who would be the colleague of Gabinius in the consulship; Cato all the time declaring loudly that the supremacy in the State was made a matter of bargain and sale by means of marriages. He also secured the election as tribunes of Vatinius⁴ and Clodius, named Pulcher, though Clodius had already incurred, during the celebration of sacred rites by the women, a scandalous imputation with reference to Caesar's wife, for which Caesar took no proceedings against Clodius, as he was a very great favourite with the people, but he divorced his wife. But others prosecuted Clodius for an offence against religion, and Cicero assisted the prosecutors. Caesar was called as a witness, but he gave no evidence against Clodius; and he now assisted him in obtaining the tribunate with the view of damaging Cicero, who had already denounced the union of the three confederates for the usurpation of the supreme power. Thus Caesar with a view to his own interest suppressed⁵ his indignation and conferred a favour on one

⁴ This is an instance of Appian's carelessness. P. Vatinius was a tribune during Caesar's consulship and one of his most subservient tools.

⁵ Appian's text has the plurals *ἐκράτου*, *ἐννεργέτου*; but Gelenius suggested *ἐκράτει*, *ἐννεργέτει*. Appian is only speaking of Caesar.

enemy for the purpose of avenging himself on another. Indeed it appears that Clodius first served Caesar by aiding him in obtaining the government of Gallia."

As soon as Caesar entered on his consulship, he established the practice of keeping journals of the proceedings in the Senate and in the popular assembly (Suetonius, Caesar, c. 20); and these journals were published. Suetonius says, "*tam Senatus quam populi diurna acta*," from which we may infer that the proceedings in the popular assembly were also published for circulation. If the "*populi acta*" are the same as the *Acta Publica*, and it is hardly possible that they are not, the "*populi acta*" contained other things besides the proceedings in the public assembly. Suetonius for instance (Tiber. c. 5) refers to the *Fasti* and the *Acta Publica* as evidence for the birthday of Tiberius; and Lipsius supposes that they contained reports of criminal trials, elections, punishments, births, deaths, marriages and divorces. Caesar also restored, says Suetonius, the old practice, according to which during the month when one of the consuls had not the fasces, he should be preceded by an officer (*accensus*), and followed by the lictors. The usage was established soon after the overthrow of the kingly power that both the consuls should not have the fasces at the same time, as Livy expresses it (ii. 1). Dionysius (Ant. v. 2) states more precisely that it was settled that one of the consuls should be preceded by the twelve axes, and the other by twelve lictors with fasces only, and that the consuls should have the axes for a month in turns⁶. Valerius Publicola took away the axes from the fasces and established the practice, which, Dionysius says, lasted to his time, that the consuls should have the axes when they were not in Rome, but in the city only the fasces (v. 19). Under this regulation there would be nothing to distinguish the consuls when they appeared in public; and so we must suppose that the practice was introduced, which Caesar is said to have revived.

C. Antonius, the governor of Macedonia, was succeeded by C. Octavius, the father of the Octavius who was afterwards

⁶ Cic. de R. P. ii. 31, has a different story, but he is a bad authority in such matters.

Caesar Augustus. Cicero in a letter to his brother Quintus, who was then in Asia, speaks very highly of the administration of Octavius at Rome and proposes his behaviour in court as an example to Quintus (*Ad Q. Fr. i. l. 7*). Antonius had not yet arrived at Rome when Cicero was writing to Atticus (*ii. 2*), some time probably in December B.C. 60. When he did arrive, he found a prosecution waiting for him, and he was tried in B.C. 59. He was charged, according to Dion, with being implicated in the conspiracy of Catilina. The prosecutor was a young man, M. Caelius Rufus. It is sometimes supposed that Dion's statement is confirmed by what Cicero subsequently said when he defended Caelius. But Cicero does not say (*Pro Caelio, c. 7*) that Antonius was prosecuted as a conspirator, and he does say (*c. 32*) that Antonius was prosecuted on a charge of having damaged the interests of the State; and this might mean either that he was tried for the offence of *Majestas*, or on a charge of *Repetundae*, of pillaging the people of his province. Cicero, who defended Antonius, says that his great services to the State did not help him on his trial, and he was damaged by the prevailing belief that he had intended to do that, of which Cicero seems to imply he was not guilty; which words plainly allude to the affair of Catilina, and might have been said, if Antonius was tried on some charge unconnected with the conspiracy. Quintilian⁷ (*Inst. iv. 2. 123*) has preserved a passage from the speech of Caelius, which is as full of foul abuse as any thing that Cicero ever uttered. The words seem to refer to Antonius' disgraceful campaign against the Dardani; and the substance of them is this—When the enemy was near at hand, the centurions, who came to inform their general, found him asleep and drunk among his women, some of them stretched on the couches and others sprawling here and there. The women who were terrified at the news tried to stir Antonius by calling out his name, and attempting to raise him up: some whispered in his ear, others struck him hard. The general, who knew every one of them by the voice and the touch, tried to throw his arms round the

⁷ This singular passage is quoted by John of Salisbury in his *Nugae Curialium*, viii. 13. Ed. Lugd. Bat. 1639.

necks of those who came nearest to him : he was so far roused that he could no longer sleep, but he was too drunk to keep wide awake, and in this state of stupid torpor he was pulled about by the centurions on one side and his women on the other.— In the oration against Vatinius (c. 11) Cicero speaks of Antonius being prosecuted before Cn. Lentulus Clodianus and of Q. Fabius Maximus being the prosecutor, and so this might seem to be a different trial from that in which Caelius was the prosecutor. A scholiast states that Antonius was charged with the offence of *Repetundae* by Caelius and condemned on this charge, and also on account of the conspiracy, which may mean what Cicero says, that the opinion about his conduct in the affair of Catilina helped his condemnation. The same scholiast in another passage names Q. Fabius Maximus and M. Caelius Rufus as the prosecutors. The safer conclusion is that Antonius was only tried once, whatever the charge was; and it was probably *Repetundae*.

Cicero in his defence of Antonius could not refrain from making some remarks on the state of public affairs, and his remarks were disagreeable to Caesar. The consequence was that on the day of the trial, and as late as the ninth hour, the adoption of Clodius by a plebeian was at last accomplished. Caesar himself managed the business, and Pompeius acted the augur. The statement of Suetonius (c. 20) agrees in some respects with what is said in the spurious oration *De Domo* (c. 16), where it is added that Cicero's words were reported by some vile persons to certain honourable men, but in very different terms from those which Cicero used. Antonius was convicted and went an exile to Cephallenia. The trial of Antonius was early in the year, for Cicero writing from the country in April to Atticus (ii. 12), who was now in Rome, speaks of Clodius having been made a plebeian.

This letter, which begins abruptly, "What, will they say that Clodius is not made a plebeian? this is really tyranny and intolerable," seems to show that the adoption may have taken place some time before the letter was written; for Cicero here informs Atticus that he had met at *Tres Tabernae* on the Appian Road his friend Curio coming from Rome, who informed him that Clodius was a candidate for the tribune-

ship, was very hostile to Caesar, and threatened to undo all that Caesar should do in his consulship; and that Caesar declared that he had taken no part in Clodius' adoption. There appears then to have been time enough between the adoption and the date of this letter for Caesar and Clodius to have quarrelled about something. Cicero however informs Atticus that he had seen Pompeius at Antium, probably on his road to Capua (p. 416), who admitted that he was present at the act of adoption and took the auspices. Cicero makes no objection to the legality of Clodius' adoption, though he did afterwards; but perhaps he did not know all the circumstances when he wrote this letter.

The facts about the adoption were these, but the evidence for them is partly the spurious oration, *De Domo* (c. 13, 14, 15. 29; *Comp. de Provinciis*, c. 19). Clodius was a patrician, a senator, and "*sui juris*," which means that he was of full age and not in the power of his father, who indeed was not alive. His own consent was therefore sufficient for the act of adoption, which in this case was named *adrogation* (*adrogatio*). But certain conditions were necessary to make the act valid, which conditions are enumerated by Gellius (v. 19). The act must be done at the *Comitia Curiata* with the approbation of the Pontifices, after certain preliminary inquiries. It must be ascertained whether the adoptive father was still young enough to beget children, and if he was, whether he had made the experiment, as it is said in the oration *De Domo*, for the object of the *adrogatio* was to give the adoptive father by legal form the child which he could not have in a natural way. Further, it was inquired whether the adopter had any insidious designs on the property of the adopted person, for by the form of *adrogatio* not only did the adopted person occupy the place of a son to the adopter, but all his property was transferred to the adoptive father, with the obligations attached to it; among which obligations were the continuance of such religious ceremonies as belonged to the *Gens* of the adopted person. Now Clodius was adopted by P. Fonteius, a plebeian, who was hardly twenty years old and had a wife; and the object of the adoption was therefore not that for which the law provided. The proceedings in the *Comitia* were also

informal, for the consul Bibulus gave notice that he had observed something in the heavens, and this declaration by a competent magistrate ought to have stopped the business. On these grounds it is maintained in the oration *De Domo*, that Clodius' adoption was invalid, and that his subsequent election as tribune was invalid also, and consequently all the acts of his tribunate were null. There is no doubt that Caesar effected Clodius' adoption with the view of qualifying him to be a tribune; and this, though Clodius had caused such scandal about Caesar's wife. But Caesar intended to make use of the man for his own purposes. It was probably very soon after the trial of Antonius and the adoption of Clodius that Cicero retired into the country to avoid being at Rome while Caesar was carrying his land bill. Cicero's letters show that he was not in Rome during parts of April and May, and perhaps he was absent during the whole of this time.

After retiring to the country Cicero thought even of leaving Italy for a time. There was talk of sending a mission to Egypt to confirm Ptolemaeus Auletes in his kingdom, for Ptolemaeus had given a valuable present to Pompeius, when he was in Judaea (Josephus, *Antiq.* xiv. 3. 1) and had maintained for him eight thousand horsemen, as Varro says (*Plin. H. N.* 33, c. 10). Cicero (*Ad Att.* ii. 5) had long been wishing to see Alexandria and the rest of Egypt. People were tired of him now; and if he went away for a time, they might be glad to see him back. But how could he leave Italy at such a time, and accept a mission from those who were in power? What would the Optimates say of him, if there were still any left? What would Cato say, who was to him as much as a hundred thousand men? What would history say of him six hundred years later? for he cared more for this than the talk of his contemporaries. However if the offer should be made to him, he would consider it. There would be some credit even in refusing. If Atticus should hear any thing about the matter from Theophanes, the favourite of Pompeius, he must not absolutely reject it. Perhaps Cicero never received an offer of this mission. But Ptolemaeus was recognized by a decree of the Senate and

a vote of the assembly, and Caesar and Pompeius according to the scandalous story in Suetonius (Caesar, c. 54) got nearly six thousand talents out of the Egyptian king. In the same letter Cicero asks who is to be the new augur in place of Q. Metellus Celer, who was dead; for Q. Metellus Nepos, commonly called the brother of Celer, but perhaps his cousin, was going to leave Rome for his province, and as we conclude, was therefore not eligible for the vacant place. Cicero says it is the only thing by which the confederates could gain him over to their side. He coveted a place in the college of Augurs, of which his great friend Pompeius was a member. It would have qualified him to observe the heavens as Bibulus did; but it is not probable that Clodius as tribune would have cared for his observations any more than Caesar did for those of Bibulus.

Cicero had been informed by Atticus (ii. 4) that it was proposed to send Clodius on a mission to Tigranes, and he was delighted to hear that if Clodius refused it, he would offend Caesar and Pompeius. We collect from his letter (ii. 7) that the mission to Egypt was first spoken of for Clodius, and then that the mission to Tigranes was offered him. The Egyptian mission, which would give an opportunity of pocketing money, as Cicero says,—the mission which he might accept, if it were offered to him—is reserved, as he supposes for one Drusus or Vatinius; and this mission to Tigranes, which might be discharged by a common letter carrier, is proposed to Clodius. “Stir up the man,” he says to Atticus, “I entreat you, as much as you can. The only hope is in these fellows quarrelling among themselves—I hope they may quarrel also about the augurship,—and then I expect to send you famous letters on those matters.” Cicero was in a bitter mood against Pompeius. He speaks (ii. 9) of the ingratitude of this Jerusalem man, who had assisted in the adoption of Clodius, after Cicero’s fine speeches; and he threatens to make a glorious recantation.

The letter of Cicero to Atticus (ii. 12) in the month of April proves that the land bill was already enacted, for Cicero speaks of Pompeius, the colleague of Balbus, seeing him at Antium. This Balbus is M. Atius Balbus, who married

Julia, the sister of the consul C. Caesar, and the mother of Atia, the second wife of C. Octavius, the father of Augustus. Balbus was one of the twenty commissioners who were appointed to distribute the Campanian land, and Pompeius was also one of them. The letter (Ad Att. ii. 15. 2), in which Cicero speaks of Bibulus deferring the Comitia, refers, as Drumann correctly observes, to the elections being deferred. Another letter (Ad Att. ii. 16. 1) informs Atticus that Cicero had received from him late on the evening of the thirtieth of April information about the land bill. Cicero consoles himself with the reflection that the distribution was limited to the Campanian territory (*Campanus ager*), and that if the grantees received ten jugera each, there would not be enough for more than five thousand of them; but in this he was mistaken. The consequence would be, as he supposed, that those who wanted land and got none would become hostile to Caesar and his party. The assumption that the land bill was passed before or about the end of April, is consistent with Plutarch's statement (*Pomp. c. 48*) that Bibulus, who had resisted the land bill, shut himself up in his house during the last eight months of his consulship.

Livy's *Epitome* (103) speaks of Agrarian laws being enacted in Caesar's consulship; and Cicero in one passage of his letters (Ad Attic. ii. 18. 2), where he mentions the bill about the Campanian land (*Campana lex*), uses an expression from which we might infer that there was more than one land bill. Appian also speaks of these land bills in the plural number. Plutarch (*Cato Min. c. 31, 32*) speaks of a bill for granting allotments of land to the poor, which was enacted by the popular assembly, notwithstanding the opposition of Bibulus; but he does not say what this land was. He then (*c. 33*) mentions a second bill introduced by Caesar for distributing nearly all the Campanian land among the poor, and of Cato resisting this also. But his story is very confused, and we must conclude from all the evidence, that there was only one land bill enacted in Caesar's consulship.

Dion (38, c. 1) thinks that no one could find fault with Caesar about this bill, for the city was overloaded with people of a turbulent temper, who would be sent to cultivate the land

and occupy the deserted parts of Italy. Thus not only those who were worn out by long military service, but all the rest would be provided with the means of subsistence, without any cost to the State, and no loss to the rich, for many of them would have honour and rank. The land bill, says Dion, proposed to distribute all the public land, except that of Capua, for Caesar recommended that this should be reserved to the State on account of its fertility. He also proposed that other land should be purchased from private persons for distribution, but that no man should be compelled to sell, nor should the commissioners be empowered to fix the price, but the price should be determined by the valuation in the census. The bill proposed the appointment of twenty commissioners, with the view of pleasing a large number, and employing the most capable persons; but Caesar was not one of them.

Dion is certainly mistaken when he says that the land of Capua was excepted in Caesar's bill; for the only land that is mentioned as having been distributed is the Campanus Ager, and another tract in Campania named the Stellatis. It is true that Dion says (38, c. 7), when the law was enacted, the Campanian land was also granted to those who had three children. The inconsistency in these statements may be removed, as some suppose, by the assumption that Caesar's original project, which was submitted to the Senate, did not comprise the Campanian territory, and that when the Senate refused their consent to his land bill, and Caesar declared that he would deal only with the popular assembly, he added the Campanian land to that which he proposed to distribute. But this supposition will hardly save Dion's credit, for if the Campanian land was not included in the original bill, it is hard to say what land was included in it, for we read of no settlements made at this time except those in Campania. Nor can it be said, as Dion affirms (38, c. 1), that Caesar's bill proposed to distribute all the public land except that of Campania; for Cicero (*Ad Fam.* xiii. 4, 2), who must have known the facts, says that Caesar approved of what Cicero did, when he opposed the bill of Rullus and persuaded the Senate and the people to save the lands of Volaterrae, which Sulla had confiscated but had not distributed, and that Caesar

by his land bill in his first consulship relieved the territory and town of Volaterrae of all fear for the future. Suetonius says of the Campus Stellatis that it was consecrated by the ancestors of the men of that day, and that the Ager Campanus had been reserved for the purpose of producing a revenue for the use of the State. Much has been said on the meaning of this word consecrated (*consecratus*). Cicero uses the word in his oration against Rullus (i. c. 2) when he is speaking of Scipio having consecrated the site of Carthage; but this consecration did not prevent C. Gracchus fixing on it as the site of a colony. In whatever sense this word consecrated is used by Suetonius, the Stellatis was included in Caesar's land bill.

Dion agrees with Appian in stating that Caesar attempted to conciliate the Senate to his land bill, but that the senators, who were not of his faction, did not like it, though they made little opposition. Cato however resisted so obstinately that Caesar ordered him to be carried off to prison, but when many of the senators expressed their determination to follow him, Caesar desisted and dismissed the Senate. This is more probable than the narrative of Appian and Plutarch (Cato, Min. c. 33) that this affair took place before the public assembly. Suetonius agrees with Dion, but there is better evidence than either of these writers in a passage of the jurist Ateius Capito, extracted by Gellius (iv. 10) from the work *De Officio Senatorio*. Other senators of course had been asked to give their opinion before Cato, who had not yet held the office of praetor. Capito reports that when Caesar called on Cato to speak, he talked at great length in order to waste the day, for he thought that the land bill was against the public interest. Any senator who was invited to give his opinion might talk first on any matter that he liked and as long as he liked. As there was no end of Cato's talk, Caesar summoned an officer (*viator*) and ordered him to carry off Cato to prison while he was still speaking. The Senate rose up and were ready to follow Cato, upon which Caesar ordered him to be released. Dion adds that Caesar now dismissed the Senate and told them that as they would not agree to a *Senatus consultum*, he should address himself

to the popular assembly only. He also says that after this day Caesar never communicated any proposed measure to the Senate, but brought it directly before the people. If Dion means to say that Caesar never summoned the Senate after this day, as Appian also says, it will appear that both of them have made a mistake.

It is impossible to make a consistent story from the Greek compilers, and it would be mere trifling to follow them into all their contradictions^{*}, and the petty details of this turbulent year. Still we wish to know how Caesar behaved in his consulship, for from this year he became the foremost man in Rome and began that career which has made his name imperishable. The remainder of Dion's story is this:—

Caesar attempted before the popular assembly to gain the consent of his colleague Bibulus to the land bill, but Bibulus obstinately refused, though Caesar entreated him to yield and urged the people to join their prayers to his, telling them that they would have the land, if Bibulus would consent. Bibulus however repeated his resolution to resist and left the Forum. Upon this Caesar, without asking the opinion of any man who was in office, turned to Pompeius and Crassus, and asked them to say what they thought of his bill, though of course he knew what their opinion was. Pompeius declared that he approved of this bill, which would give land to the soldiers to whom it had been promised, and "to the rest also the fruits of the common labours." The meaning of the last few words is not clear. Pompeius went through the provisions of the bill, and commended them all to the great delight of the people. Caesar then asked Pompeius if he would support him against those who were opposing the bill, and he entreated the assembly to press the same question. Pompeius was so pleased with the respect paid to him by the consul and the people, though he was only a private man, that he said a good deal which betrayed his vanity, and he ended with words to this effect that, if any man should dare to take up the

^{*} Plutarch, who in his life of Cato speaks of his being ordered to prison because he opposed Caesar's second land bill, tells the same story or another story almost the same in his life of Caesar (c. 14) on the occasion of Cato's opposing the bill which gave Caesar his provinces.

sword, he would take up the shield. Crassus assented to what Pompeius had said, and the result was a change of opinion in some who had hitherto been unfavourable to the bill, when they saw that such men as Crassus and Pompeius, who were hostile to Caesar, supported the measure. Here Dion makes the statement, which cannot be true, that the friendly relations of Caesar with the other two were not yet known.

Bibulus had secured the support of three tribunes, and he determined to oppose the land bill before the popular assembly. But finding all other means of resistance useless, he resorted to the desperate expedient of declaring that he would raise a religious objection to the Comitia on every day that they might be held to the end of the year. Bibulus had power to do this whenever the people were called together for business, and according to the law the meeting must be dissolved, if he declared that he had observed unfavourable appearances in the heavens, such as lightning for instance; but it was quite irregular to give notice that he would see such appearances whenever the assembly met. This appears to be the meaning of the passage in Dion (38, c. 6), where he speaks of the design of Bibulus to prevent all proceedings in the assembly; but his declaration did no good. Caesar appointed a day for taking the vote on the land bill, and the people occupied the Forum the night before. Plutarch (Pomp. c. 48) reports a very improbable story that Pompeius had filled the city with soldiers for this occasion. Appian states that the people came to vote armed, which may be true. Bibulus appeared on the day with his partisans, and made his way to the temple of Castor and Pollux in the Forum, from the steps of which Caesar was addressing the voters.

Bibulus was allowed to ascend the steps, but as soon as he began to speak against the bill, he was pushed down, the fasces of his lictors were broken, some of his partisans were wounded, and among them certain tribunes. The circumstances of this outrage are differently reported, as we might expect. Plutarch (Pomp. 48) says that the soldiers fell on Bibulus as he was going down to the Forum with Lucullus and his father-in-law Cato, a basket of filth was emptied

on the consul's head, and two of the tribunes who were conducting him were wounded. In some way Caesar's men cleared the Forum of their opponents, and the land bill was made a law. On the next day Bibulus complained in the Senate: as Dion says, he attempted to persuade the senators to rescind the law, by which he probably means, to declare it null, which under the circumstances, and according to precedent, the Senate might have done. But not a single man ventured to give any opinion or to make any motion: the whole body was cowed and subdued.

Bibulus now shut himself up in his house, from which he issued what Suetonius calls his edicts in opposition to every thing which Caesar proposed to do. It is said that the tribune P. Vatinius, one of Caesar's tools, attempted to stop these idle protests by lodging Bibulus in prison, but this was prevented by the tribune's colleagues; and perhaps it was not easy to arrest Bibulus in his own house, for he was a man who would have made a stout resistance. However his consulship was now at an end. Neither he nor his partisan tribunes meddled with public business during the rest of the year, and Caesar was in fact sole consul. The jokers of the day, when they had occasion to name a date, instead of writing in the usual fashion "in the consulship of Caesar and Bibulus," used to write "in the consulship of Julius and Caesar." It appears from what has been said above that the land bill was enacted about the end of April, and by the retirement of Bibulus Caesar reigned for eight months.

The names of all the twenty commissioners for the distribution of the land are not known. Pompeius, Balbus, and C. Cosconius are mentioned. We may guess that M. Crassus was one, but there is no evidence for it. There is a passage in Cicero (*De Prov. Cons.* c. 17), where he speaks of only five commissioners, and as he elsewhere and other writers speak of twenty, it has been conjectured that the five were a committee formed out of the twenty. Cicero's letter (ii. 7. 4) has also been quoted as evidence for this committee of five, but Cicero first speaks of twenty. He says that Clodius was treated rather badly, inasmuch as he who was once the only

man in Caesar's house (p. 373), could not now find a place among twenty. The "five" in both places ought to be "twenty."

There was a clause in the land bill, says Plutarch (Cato, c. 32), by which all the senators were required to swear that they would maintain the law, and heavy penalties were enacted against those who should refuse to take the oath. He does not say what the penalties were, but Appian states that the penalty was death, which is most improbable. We may collect from Plutarch citing the case of Metellus Numidicus, who on a like occasion was compelled to leave Italy (vol. ii. 114), that it was banishment. But we learn from a letter of Cicero (Ad Att. ii. 18) written after his return to Rome, that candidates for offices were also compelled by the land bill (Campana lex) to swear that they would never say any thing about the land being held on any other terms than those fixed by the Julian laws; and one of the candidates for the tribuneship, M. Juventius Laterensis, chose to retire from the contest rather than take the oath. Resistance was made to the oath by some of the senators, but all yielded at last, even the stubborn hero Cato, who was prevailed on by the women of his family and by his friends, particularly Cicero* (Plut. Cato Min. c. 32).

The number of persons settled on the Campanian land is said by Suetonius to have been twenty thousand citizens, who had each three children or more. The land was not distributed by lot, but at the pleasure of the commissioners. If twenty thousand heads of families with their wives and three children in each family were settled in Campania, the whole number of settlers would be one hundred thousand, and it is very improbable that Rome was at once relieved of so large a number of persons. Indeed we know that all the land had not been assigned so late as B.C. 51 (Cicero, Ad Fam.

* This practice of swearing to the observance of laws was not new, as the case of Metellus Numidicus shows, and a passage in Livy (29, c. 37) quoted by Klenze. A fragment of a Roman law, which is cut on one side of a bronze tablet, contains part of the clause which provides for the taking of the oath in the matter of that law. (Klenze, *Das Altrömische Gesetz auf der Bantianischen Tafel*, Philol. Abhandlungen, Von C. A. C. Klenze, Berlin, 1839.)

viii. 10. 4), and it also appears that land was assigned to soldiers, and we may assume to some of those of Pompeius (Dion, 45, c. 12; Cic. *Ad Att.* xvi. 8), though none of the extant authorities, which speak of the settlement of the Campanian land, say any thing of soldiers being sent as settlers on this occasion, unless this fact is contained in a passage of Cicero which is mentioned below. Capua now became a Roman colony, after having had no municipal constitution for one hundred and fifty-two years, ever since the surrender to the Romans B.C. 211, when the city with its dependencies was made a *Praefectura* and subject to the administration of a *Praefectus* sent from Rome.

All this Campanian land was well cultivated by an industrious body of men, the tenants of the Roman State, who paid rent in some form, probably in money, for that would be most useful to the government. Wherever the new settlers were brought in, the old cultivators would be turned out, but no antient writer says any thing about the condition of these unhappy people. Cicero, in his second speech on the land bill of Rullus, where he is speaking of the consequences that would follow if that bill should be carried, declares that if the Campanian cultivators were ejected, they would have no place to which they could go at once; and he truly said that such a measure would not be a settlement of the plebeians on the land, but an ejection and expulsion of them from it. For even if the new settlers were as good cultivators as the old, nothing would be gained by having one set of men in place of another, and the State would lose the rents, unless the new settlers paid a rent also; but it is not said by any authority that the land bill imposed any payments on them; and if we were told that it did, we ought not to believe it, for the purpose of the bill, as we are informed, was to relieve Rome of paupers who were partly fed at the expense of the State, and also, as we have assumed, to give allotments to soldiers¹, who would expect and deserve a free grant of

¹ Cicero (*Phil.* ii. 39) speaks of the Campanian land being taken out of the class of lands that contributed a revenue to the State in order that it might be given to soldiers; and he appears to refer to B.C. 59. See also *ad Fam.* xi. 20.

land for their long services in foreign parts. The State might save something by exporting paupers from Rome to lands where they could live in plenty, if they chose to work. But would these townspeople take to agricultural labour? When Cicero is speaking (*Pro Sestio*, c. 48) of the poor-law of C. Gracchus, he says that it pleased the common sort, because it supplied them with food abundantly without work. As to the abundance, we may doubt; but we can accept what comes next. "The respectable folks resisted the law because they thought it would draw the people from industry to laziness and exhaust the treasury." These were the people, fed partly with bread by the State, and living as they could in a city where there was little commerce and industry, who were sent to take the place of the Campanian cultivators. Cicero remarks that the ejected cultivators would have no place to go to at once, but we may certainly conclude that many of them would seek the shelter of Rome and take the place of those who were sent out to cultivate the land. It might be supposed that these ejected tenants would receive some compensation; but if it was so, our authorities have forgotten to report this important fact. However all the circumstances of the case, which we know, are against this supposition; and there remains the single fact that a fruitful territory was cleared of an industrious population, who had been born on the land which they cultivated, whose ancestors were buried on it, and whose burying places would be desecrated by the new settlers. Men, women, and children with their household goods, their furniture and their cattle were driven out of their homes, and would be compelled to part with their movables for any price they could get. This monstrous, this abominable crime was committed to serve a party purpose; and the criminal was a Roman consul, a man of ability, too intelligent not to know what he was doing, and unscrupulous enough to do any thing that might serve his own ends. Another man, who, as consul, had wisely and boldly resisted the Agrarian law of Rullus, retired terror-struck before the audacious energy of Caesar, and skulked in the country writing miserable letters to Atticus until the storm was over, when he

slipped back to Rome and continued his correspondence with his friend who left the city about the same time ².

² In the *Histoire de César* (i. p. 377), it is said, "While some historians accuse Caesar of seeking in the populace a support to his ambitious designs, he on the contrary proposes a measure the effect of which is to remove to the country the turbulent part of the inhabitants of the capital." Again (p. 382), "Cicero finds fault especially with the division of the territory of Capua as depriving the Republic of an important revenue; but in answer to this it has been replied with good reason, that on the other side the State was relieved of the enormous burdens imposed by the necessity of distributing corn among all the poor of Rome." The revenue from the Campanian land was produced by the labour of those who cultivated it, but the author takes no notice of these industrious farmers being expelled to make way for "the turbulent part of the inhabitants of the capital." He writes as if it never came into his head that you cannot place new cultivators on occupied land, unless you first get rid of the old occupiers. Further, the State was not relieved by transplanting the townspeople on the land. In B.C. 46, 320,000 persons in Rome were receiving allowances of corn. Caesar reduced the number to 150,000 (Sueton. Caesar, c. 41; Dion Cassius, 43, c. 21).

NOTE.—Some of the letters in the second book of Cicero's letters to Atticus, which belong to this year, are placed out of the chronological order in the common editions; and all of them have not been rightly placed by those who have undertaken to correct the ordinary arrangement. Indeed, it is almost impossible to determine the right place of some of them. In the sixth letter of this book, Cicero speaks of the twenty commissioners, and again in the seventh letter, which fact proves that these two letters were written after the land bill was enacted and the commissioners were appointed.

CHAPTER XX.

C. CAESAR CONSUL.

B.C. 59.

"SAMPsICERAMUS," says Cicero to Atticus (ii. 17), "is plainly preparing a tyranny." Sampsiceramus is one of the half-dozen nicknames which Cicero, in his letters to Atticus, gives to Cn. Pompeius. "For what is the meaning of this sudden marriage union that you write about; what is the meaning of this business of the Campanian land, this profuse expenditure of money? If this were all, it would be too bad, but such is the nature of the case, that this cannot be all. For how can these things simply in themselves give them pleasure? They would never have gone so far, if they were not preparing the way for other pestilent things." He adds that he and Atticus will talk over these matters at Arpinum about the tenth of May. Cicero was still in the country, and the letter may have been written early in May. It was about this time then that Caesar and Pompeius strengthened their union by a marriage. Caesar gave to Pompeius his only daughter and child Julia, though she was already betrothed to Servilius Caepio, as Plutarch says, and Caepio had been very useful to Caesar in the late fray with Bibulus. Caesar married Calpurnia, the daughter of L. Calpurnius Piso, who was consul in the next year, and already secured to look after Caesar's interests. Cato declared that it was intolerable for the chief power to be prostituted by marriage bargains, and that the confederates should help one another by means of women to provinces, armies and political power. From this time it was Caesar's practice in the Senate to call on Pompeius

to speak first, though he had hitherto conferred this honour on M. Crassus, and it was the custom for the consul to observe all through the year the order of speaking which he had established on the first of January (Sueton. Caesar, c. 21; Gellius, iv. 10). This fact proves that the Senate was sometimes summoned by Caesar after they had refused their assent to the land bill.

The profuse expenditure of money refers, as P. Manutius supposes, to a chapter of the land bill, which provided money for the purchase of land in Campania from private persons, in addition to the public land, for the purpose of distribution; but this part of the law, says Manutius, was not executed, and this was the matter in debate to which Cicero alludes in various places (Ad Q. Fr. ii. 1; Ad Fam. i. 9. 8; viii. 10. 4: xi. 20. 3; and Ad Q. Fr. ii. 5).

As Atticus had informed Cicero of the state of affairs in Rome during Cicero's absence in the country, Cicero when he returned to Rome wrote to Atticus. He informs his friend (ii. 18) that Caesar had very liberally offered him the rank of "legatus" under him for the next year. He had also the offer of a "libera legatio" (p. 270), but he did not think that such a legatio would protect him sufficiently against Pulchellus, who is his enemy P. Clodius, and it would prevent him from seeing his brother who was expected next year in Rome from Asia. If he accepted service under Caesar, he would be safer, and might also come to Rome when he liked. In another letter (ii. 19) he says that the state of affairs was universally detested. These popular-leaders had taught even moderate men to hiss them. Bibulus was exalted to the skies, though Cicero does not know why; but he is praised like Fabius of old, who was opposed to Hannibal, as the only man who saved the State by his policy of delay. The popular opinion was shown principally in the theatre and at the public games. At the Ludi Apollinares, when the actor Diphilus came to the verse, "It is through our misery that thou art made Great (magnus)," he was compelled by the spectators to repeat the words many times¹. Again, when Diphilus

¹ Valerius Maximus (vi. 2. 9) has recorded this anecdote, with an embellish-

pronounced this verse, "A time will come when thou wilt rue this thy bravery," the whole theatre rang with applause. It seemed as if some enemy of Pompeius had written the verses for the occasion. When Caesar entered, there was no applause; but on the appearance of young Curio, the shouts were renewed, and he was received as Pompeius used to be in the days when the commonwealth still existed. Caesar was much displeased. Letters were said to fly to Capua to Pompeius. The confederates were indignant at the Equites for standing up to applaud Curio. They threatened the abolition of the *Roscia Lex* which gave the Equites their seats in the theatre, and talked of punishing the common sort by repealing the law (*Lex Frumentaria*, vol. i., p. 261) under which they received an allowance of corn. P. Clodius was still threatening Cicero, but Pompeius showed no small earnestness in comforting Cicero, and assuring him that Clodius would not say a word against him, though Cicero thinks that Pompeius was mistaken. Caesar attempted to gain Cicero by offering him a place among the twenty land commissioners, for we may assume that the invitation came from Caesar, though it may have been sent through Pompeius with whom Cicero maintained a show of friendship. This place had become vacant by the death of Cosconius, but Cicero had no inclination to step into it, and he refused the offer.

Bibulus in his retirement continued the war against Caesar by his *Edicta* which were posted up in public, and, as it appears, they were not pulled down, for the people copied and read them (*Ad Att.* ii. 20). "I hear," says Cicero to Atticus (ii. 19), "that the *Edicta* of Bibulus have been sent to you. Our friend Pompeius is burning with vexation and rage about them." These *Edicta* contained the foulest abuse of Caesar; allusions to his being a conspirator with Catilina, and to the scandal about him when he was a young man at the court of the Bithynian King Nicomedes (*Sueton.* c. 9. 49). But Bibulus assailed Pompeius also with his *Archilochian Edicta*, as Cicero calls them, in words as abusive as the *Iambics*

ment: the actor pointed to Cn. Pompeius. But Pompeius was not there, as we infer from Cicero (*Ad Att.* ii. 19. 3).

of Archilochus, which were proverbial. The people were so delighted with these attacks on Pompeius, that it is with difficulty, says Cicero (ii. 21, 4), I can make my way past the place where they are set up on account of the number of those who are reading them. These attacks irritated Pompeius to the highest degree, and were painful to Cicero, who, as he says, had always loved Pompeius, even in spite of his shabby behaviour in the matter of the adoption of Clodius. Indeed, he adds, his affection to Pompeius was so great that nothing could destroy it. He fears however that his friend, who is not used to such treatment, may give way to his passion. On the twenty-fifth of July Cicero saw Pompeius addressing the people on the Edicta of Bibulus, and the piteous sight made him shed tears: "he who had been accustomed to show himself so proudly on the Rostra, in full possession of the affection of the people and the good will of all, how humble, how downcast was he now; he seemed as much dissatisfied with himself as his hearers were with him. It was a sight which could give pleasure only to Crassus." Bibulus had in some way contrived to defer the consular elections to the eighteenth of October, or had affected to defer them by his edicts, and as the people generally did not like the elections being delayed beyond the usual time, Caesar thought that he could take advantage of this feeling to urge the people to attack the house of Bibulus, as Cicero says. Caesar said a good deal to stir up the people, but he could not draw a word from them.

The petition of the Publicani for a remission of part of the money which they had agreed to pay (p. 388), was not yet answered. But Caesar wanted the aid of this powerful body, and it was with the consent of the popular assembly, for he could hardly venture to do the thing himself, that the Publicani were relieved of one-third of the demand against them. There is no direct evidence which shows at what time of the year this was done, but as Caesar secured the favour of the Equites by this act, we can hardly suppose that the favour had been granted, when they stood up in the theatre to applaud young Curio, and did not applaud Caesar. On the other hand, if this remission was granted by the people after

the passing of the land bill, when Caesar had become so unpopular, as Cicero represents the fact, it is not easy to understand how Caesar could prevail on the popular assembly to do what he asked. In any way the act was illegal, if the Senate did not consent to it, for which there is no evidence. Caesar on this occasion advised the Equites in future not to bid too high for the taxes.

Caesar now confirmed (Dion, 38, c. 7) by a vote of the popular assembly all that Pompeius had done in Asia, for up to this time Pompeius had not been able to obtain the confirmation of the Senate. Caesar accomplished this act without any opposition from L. Lucullus or any one else, says Dion; but it was not so, if those critics are right who apply to this occasion the passage of Suetonius (c. 20), who says that when L. Lucullus was boldly resisting Caesar, the consul terrified him so much with a threat of prosecution that Lucullus fell down on his knees before him. It is not improbable that this passage may refer to the time when the acts of Pompeius were confirmed; but if the anecdote is true, Lucullus must have already lost his wits, as it was reported that he did before he died. Pompeius was now bound to support all that Caesar had done or should do in his consulship, for he was secured by the double tie of marriage with Caesar's daughter and gratitude for the confirmation of his administration in Asia. This was a heavy burden to undertake, for some at least of Caesar's measures had been enacted in violation of legal forms.

Dion remarks (38, c. 7) that the laws enacted in Caesar's consulship were very numerous, but as they in no way concerned the purpose of his history, he omits them. This is a strange fashion of writing history, to omit mention of the *Juliae Leges*; for the character of Caesar's consulship must be estimated not only by the irregular acts which he did to further his own views, but by what he did for the good of the State. There is only one of the *Leges* of which we can say much, and it is discussed at the end of this chapter. Dion also says that Caesar managed through others those matters which affected his own interests, for he was very careful not to confer any advantage on himself, and he thus more easily

got all that he wished. It was his fashion to say that he wanted nothing more, and to pretend that he was satisfied with things as they were. But others considering that Caesar was necessary and useful to the State, proposed what he wished and obtained the ratification both of the assembly and the Senate; from which remark we see, as it has been observed before, that the Senate did meet even after Bibulus had shut himself up in his house.

Dion Cassius mentions a law which was proposed and carried in Caesar's consulship by the praetor Q. Fufius Calenus, one of the tribunes of the year B.C. 61. The passage in Dion has been misunderstood, and the correct explanation is probably that which is given by Orelli (*Index Legum*), who thinks that the law of Fufius provided among other things, for he assumes it to be a *Judiciaria Lex*, that on trials the three classes of jurymen, the senators, Equites, and *tribuni aerarii* should vote separately, by which it would appear which class convicted or acquitted, though the votes of the jurymen in the several classes would not be known, because they voted by ballot. Orelli observes that this was certainly the case on the trials of Scaurus and Milo (*Asconius*, pp. 30. 53, ed. Orelli).

Caesar's man, the tribune P. Vatinius, proposed and carried a law about the challenges of the juries (*de alternis consiliis rejiciendis*). This law, as it is generally understood, empowered both the prosecutor and the accused to challenge once the entire jury, after it was constituted by the praetor or presiding judge, instead of challenging a certain number according to the old practice. Cicero (*In Vatin. c. 11*), who approves of the measure, blames Vatinius for deferring the enactment until C. Antonius was put on his trial and so depriving him of the benefit of the new law. He says that the law of Vatinius applied only to those who should be hereafter tried; and if Cicero tells the whole truth, Vatinius must be blamed. But if the fact was that the law applied to those who should be guilty of any offence after the enactment, Vatinius did right, and we cannot give Cicero credit for being honest enough to have stated the matter fairly.

Nothing had yet been done about Caesar's province for the

next year except the arrangement already mentioned (p. 401). But the consul, who had terrified the Senate during his consulship, would not submit to the insult put upon him by this feeble body. His partisans knew what he wanted, and Vatinius proposed to the people, and the people gave to Caesar as his province Gallia Cisalpina and Illyricum with three legions for five years. Again Bibulus is said to have observed the heavens, but he observed in vain, for Caesar was supported by his new son-in-law, his father-in-law Piso, and the votes of the people. But one province was not enough for Caesar. For several years Transalpine Gallia had been uneasy, and there was reason to fear disturbance in that quarter. The Germans had crossed the Rhine and settled on Gallie soil under their king Ariovistus, who was meditating further aggression. Sometime in his consulship through Caesar's interest this savage barbarian received from the Senate the title of king and friend of the Roman people. Caesar says (B. G. i. 40) that Ariovistus had eagerly asked for the friendship of Rome; and we may suppose that he expected to get something by it. Caesar's purpose was plainly to keep the German quiet for a time, and it is not too bold a conjecture that the consul hoped and expected to deal with him some time in another way. But to accomplish this end it was necessary for Caesar's commission to extend to Transalpine Gallia; and his friends accordingly moved the Senate to do what the people might do, if they were not anticipated. Caesar now received from this body most reluctant, as we may suppose, the province of Gallia Comata for five years with one legion. Gallia Comata was all Gallia beyond the Alps, not including the Provincia, according to the common usage of the terms, but in Caesar's commission the Provincia also was included, in which there was at this time one Roman legion. Cicero writing to Atticus in B.C. 49 (Ad Att. viii. 3, 3), where he is enumerating the foolish acts of Pompeius, done, as he says, against his advice, affirms that Pompeius cherished, strengthened, armed Caesar against the State: he supported Caesar in carrying his laws by force and in contempt of the auspices; it was he who gave him the province of Transalpine Gallia: he became Caesar's son-in-law; he acted as augur,

when Clodius was adopted.—If Pompeius was too dull to see his blunders, Caesar was not. The Romans expressed by the word *Provincia* not only a particular territory subject to Rome, but the commission which a commander received, and the grant of *Gallia Comata* in general terms was equivalent to a commission to make war in that country. Caesar therefore, if he did not find, could create for himself active employment; and a five years' commission would give him the opportunity of forming an army inured to danger, and devoted to himself, while at the same time he would put a bit in the mouth of these Transalpine nations which had often threatened Rome, and were still feared. In winter he could retire to his province south of the Alps, where he would be near Rome and could be well informed of every thing that was going on. The opportunity was as great as Caesar's ambition and his ability could desire; and whatever his ultimate views may have been, the power that he received was calculated to raise higher hopes and even to give them birth.

Vatinius also proposed and carried a law by which Caesar was empowered to settle five thousand colonists, among whom the chief persons were five hundred Greeks (Strabo, p. 213), at Comum, which was now named *Novum Comum*, but it was still generally called Comum only, now Como. This town, which is situated at the southern extremity of the western arm of Lake Larius (*Lago di Como*) and nearly due north of Milan, was one of the settlements made in *Gallia Transpadana* by Cn. Pompeius Strabo, the father of Pompeius Magnus, after the place had been devastated by the inhabitants of the Rhaetian Alps (ii., p. 210). The town then received the *Jus Latii*. C. Scipio, as Strabo names him, afterwards added about three thousand settlers. The addition made by Caesar would raise Comum to the position of a strong frontier town against the invasions of the Alpine people, and would probably please Pompeius. Caesar on his return from Spain after his quaestorship is said to have visited these Latin colonies north of the Po (p. 218); and this new settlement of Comum seems to have been made with a purpose. Strabo and Suetonius (c. 28) agree that Caesar gave the settlers at Comum the Roman citizenship;

but Appian (B. C. ii. 26) says that Caesar gave Novum Comum the Jus Latii, which would be a superfluous gift, for the town had it from Cn. Pompeius Strabo. A passage in one of Cicero's letters (Ad Att. v. 11) may be interpreted to mean that Caesar did not give Comum the Roman citizenship. From another letter (Ad Fam. xiii. 35) we learn that Cicero at this time was not unwilling to ask a favour of Caesar, for at Cicero's request Caesar admitted among the settlers one of Cicero's old friends. The man was a Greek, and his name was C. Avianius Philoxenus.

But what was Cicero doing all the time between his return to Rome and the end of the year? He tells us himself (Ad Att. ii. 22) he took no part in public affairs; but he was busy in the courts, and thought that he was recovering his popularity and influence. His house was visited: he was greeted in the streets; the remembrance of his consulship was revived: his hopes were strengthened so that sometimes he thought that he ought not to shrink from the contest that awaited him with P. Clodius, who was already elected tribune, as we may infer from a passage in this letter, though the letter (ii. 23) placed after it in the editions would allow us to suppose he was not yet elected. However Cicero considered his election certain, and he urges Atticus to come to Rome and find out from Boopis, what her brother Clodius intends. Boopis is one of Clodius' sisters, the wife of Q. Metellus Celer (consul B.C. 60), who died suddenly in B.C. 59; the woman with the ox eyes (*βοῶπις*), Juno, the wife and sister of Clodius, as Cicero in his abusive way terms her on another occasion.

In this letter (ii. 23), Cicero says, he is so busy that he thinks this is the first letter that Atticus had ever received from him not in his own handwriting. He took no part in public deliberations; and was altogether employed in the courts. The brother of Boopis was still threatening him; though he tells Sampsiceramus (Pompeius) that he means nothing against Cicero, he speaks in a different tone to others; and Atticus is most earnestly entreated to come to Rome to give his advice and help. It is difficult to avoid suspecting that Cicero's friend Sampsiceramus was deceiving him; and it is certain

that Cicero deceived himself. Caesar and his confederates were not so unpopular as Cicero represents them, and he himself was not so popular as he supposed. In the last letter to Atticus of this year, the last as it stands in the editions, and certainly one of the latest, he says:—the commonwealth is in a most desperate state, and those who have brought it to this condition are detested; he himself, as he thinks and hopes, is completely protected by the universal goodwill of the citizens.—In this year A. Minucius Thermus was tried on some charge, which is not stated. Cicero defended him, and he was acquitted twice (*Pro Flacco*, c. 39), from which we must conclude that he was tried on two different charges. Cicero also defended L. Valerius Flaccus, who was praetor in Cicero's consulship and with C. Pomptinus arrested the ambassadors of the Allobroges. In B.C. 62 Flaccus was governor of Asia, in which province he was succeeded by Cicero's brother Quintus. Flaccus was prosecuted on a charge of *Repetundae*, the usual offence of Roman governors, and Cicero defended him in a speech, which is extant, but defective at the beginning. Flaccus was acquitted. Hortensius, who also defended Flaccus, spoke before Cicero, who was delighted with a speech, which recalled the glories of his consulship. Hortensius praised Cicero to the skies when he was speaking of the praetorship of Flaccus and of the affair of the Allobroges. "It was impossible for any man to have spoken in more affectionate, more honourable, more eloquent words" (*Ad Attic.* ii. 25); and Cicero in his usual way requests Atticus to let Hortensius know what he had written.

The consular elections were not made sooner than the eighteenth of October, if Bibulus succeeded in his attempt to defer them. L. Calpurnius Piso, Caesar's father-in-law, and A. Gabinius were elected consuls for the year B.C. 58. Cicero, if we rightly understand a passage in his oration against Piso (c. 5), gave the first vote for Piso, who was a kinsman of C. Piso, the husband of Cicero's daughter Tullia; and this opportunity, which was offered to him, was intended as a mark of respect, or considered so by Cicero. In a letter to his brother Quintus then in Asia, written after the consular elections and after the twenty-fifth of October (*Ad Q. Fr.* i. 2.

15), Cicero tells his brother that the commonwealth is completely ruined. C. Cato, a young man of no sense, but still a Roman citizen and a Cato, intended to prosecute Gabinius for bribery, and as he could not find an opportunity of applying to the praetors for several days and they refused to give him a hearing, he addressed the people and said that Pompeius though now a private man was a dictator. But he very narrowly escaped with his life. The story shows that Pompeius was the man whom some people supposed to be aiming at supreme power, and not Caesar, who managed his affairs so prudently as not to be suspected of such designs. It shows too that what Cicero says in his letters to Atticus of the universal unpopularity of Pompeius is not true.

Some time in the latter part of the year, and before the consular elections, the affair of Vettius happened, which Dion reports thus (38, c. 9).—Cicero and Lucullus (Dion means L. Lucullus), being dissatisfied with Caesar's acts made an attempt to assassinate Caesar and Pompeius by means of one L. Vettius; but they failed, and also narrowly escaped with their lives. For Vettius was informed against and seized before he had done any thing, and then he denounced Cicero and Lucullus; and if he had not charged Bibulus also with being in the conspiracy, they would certainly have suffered some signal punishment. But as Vettius charged Bibulus for the purpose of saving himself, and Bibulus had given information to Pompeius of the design, it was suspected that Vettius did not tell the truth in the case of the two others, but had been suborned by some enemies of Cicero and Lucullus. About this matter there were various rumours, but nothing was ever proved. Vettius being brought before the popular assembly named only the persons whom I have mentioned. He was then thrown into prison, and not long after was assassinated there.

Dion here names "one L. Vettius," but he had already described him as implicated in Catilina's conspiracy, and as an informer who could not be trusted (37, c. 41; and p. 366). The statement appears very improbable that Cicero and Lucullus would employ this miserable agent for such a crime, even if they contemplated it, which is also most

improbable. We have Cicero's own statement about the affairs; and this too is not very satisfactory. It is as follows, in a letter to Atticus (ii. 24) :

"That fellow Vettius, the man who was our informer, promised Caesar, as we clearly see, to contrive to bring Curio the son under some criminal suspicion. Accordingly he insinuated himself into Curio's intimacy, and after several meetings with him, as the circumstances show, he told Curio at last that he had resolved with the aid of his slaves to attack and kill Pompeius. Curio told his father, and the father told Pompeius. The matter was brought before the Senate. When Vettius was introduced, at first he denied that he had ever been with Curio. However he did not persist in this denial, but forthwith offered to tell all on a promise of pardon; which was granted. Then he said that a body of young men had been formed with Curio for their head, that Paulus had been one of them at the beginning, and also Q. Caepio, otherwise named Brutus, and Lentulus, son of the Flamen, who was himself privy to the matter. After this he said that C. Septimius, a clerk (*scriba*) of Bibulus brought him a dagger. This was considered quite ridiculous, that Vettius should have no dagger unless the consul gave him one; and the statement was the more readily rejected because on the thirteenth of May Bibulus had warned Pompeius to be on his guard, for which Pompeius thanked him.

"Curio was now brought in and replied to the evidence of Vettius, the falsity of which was chiefly shown by his statement that the young men intended to attack Pompeius at the exhibition of Gabinius' ² gladiators, and that Paulus was the chief man in this design, for it was well known that at this time Paulus was in Macedonia.

"A resolution of the Senate was made to this effect: that as Vettius confessed that he had carried arms (*cum telo fuisse*), he should be put in prison; and if any person proposed to let

² "*Cum gladiatoribus Gabinii*," the ordinary text, cannot be right. Gabinius was a partisan of Caesar and Pompeius. P. Manutius suggests the omission of "*cum*," and then the meaning will be "at the exhibition of gladiators" as in the letters to Atticus (ii. 1. 5; ii. 19. 3). The shows mentioned in the last letter may be those of Gabinius,

him out, he would be an enemy to the State. It is supposed that the scheme was that Vettius and his slaves should be seized in the Forum with arms on them, that Vettius should say that he would disclose all, and that this would have been done, if Curio the father and the son had not informed Pompeius. The resolution of the Senate was read to the popular assembly as soon as it was made.

"On the next day Caesar brought Vettius on the Rostra where the consul Bibulus was not allowed to appear. Vettius said just what he chose on public affairs, as he had come thither duly prepared. First he said nothing about Caepio, whom he had strongly denounced in the Senate, from which it appeared that in the intervening night some solicitation had been employed. Next he named persons against whom he had not raised the slightest suspicion in the Senate; he said that Lucullus had been in the habit of sending to him C. Fannius, one of the prosecutors of P. Clodius; and he named L. Domitius from whose house it was settled that the conspirators should sally forth. He did not mention my name, but he said that an eloquent consular, a near neighbour of the consul, said to him that a Servilius Ahala was wanted or a Brutus. Finally, being recalled by Vatinius, though the assembly was already dissolved, he added that Curio told him that my son-in-law Piso and M. Laterensis were privy to the plot.

"Vettius is now charged before Crassus Dives (one of the praetors) with intending acts of violence (*de vi*). If he should be condemned, he intends to ask permission to give evidence on this affair; and if this should be allowed, it is the opinion that there will be some trials. As for myself, who am not used to overlook any thing, I am not greatly alarmed. People show the greatest good will towards me. But I am quite tired of life: there is nothing but wretchedness every where. Very lately we feared a massacre, but the speech of a very courageous old man, Q. Considius, dispelled our terror. Now that which might have been feared every day has sprung up all at once."

The allusion to Considius is explained by a passage in Plutarch's *Life of Caesar* (c. 14) which would enable us to

place this letter after the time when Caesar received his provinces, if we could trust Plutarch's chronology.

Cicero in his abusive speech against Vatinius gives us the opportunity of estimating his veracity. When he wrote to Atticus he perhaps told the truth except when he says that Caesar was acquainted with the design of Vettius from the beginning. In this speech (c. 10. 11) made in B.C. 56 he speaks of Vettius, but never mentions Caesar. He says that Vatinius brought him forward on the Rostra to declare the names of those who were the alleged instigators and partners in his designs. We learn also from this speech that Lentulus was a competitor of Gabinius for the consulship, and lost his election, as Cicero seems to mean, because he was charged with being in this conspiracy. If we can trust Cicero, we may conclude that this mysterious affair was a scheme for securing the election of Gabinius, and destroying the credit of Lentulus, and so far it succeeded. Cicero also says that Vatinius gave notice of a bill for regulating the trial of those whom Vettius denounced, accepting Vettius as a witness, and giving large rewards, but he does not say to whom. Finally Cicero concludes by saying that these proposals were received with universal execration, and that Vatinius then strangled Vettius in his prison, that there might be no evidence of this wicked attempt to fabricate evidence.

Caepio, mentioned above (ii. 24), is M. Junius Brutus, who had been adopted by his uncle Q. Servilius Caepio. He was the son of the Brutus whom Pompeius put to death in Cisalpine Gaul (ii. 438) and of Servilia, Caesar's greatest favourite. This will probably explain the solicitation alluded to in this letter. Plutarch (Lucullus, c. 42) says, it was given out that Vettius died a natural death, but he adds that there were marks of violence on the body. This wretched man was abandoned and probably murdered by those who had employed him. It is very unlikely that Caesar had any thing to do with such a bungling affair; but those who had the power of reaching Vettius in prison, must have been the murderers; and they who were in office would have this power, not those who were private persons. Vatinius, a tribune, then may have been the man, and we cannot suppose that Caesar would object to

getting rid of a troublesome affair and a vile informer at the same time; nor can we be surprised if no inquiry was made about the cause of the man's death. Every body would be well pleased that he was put out of the way.

Suetonius, whose lives of the Caesars contain all the scandal that he could collect, and his life of C. Caesar is full of it, affirms (c. 54) that in his first consulship Caesar stole three thousand pounds of gold from the Capitol and put gilded copper in the place of it. He does not state this as a report, for which he might be excused, but as a fact, as true as any other in his life of Caesar. But such a statement requires other and better evidence; for though Caesar was in debt, and may have taken money from the Egyptian king, he was too prudent to commit a disgraceful theft, which would be immediately detected.

The term *Juliae Leges* may comprehend laws enacted in Caesar's first consulship, also laws enacted afterwards in his lifetime, and laws enacted in the time of Caesar Augustus. But the only enactment made in Caesar's first consulship of which we have any particulars is the *Lex Julia Repetundarum*³, which is described by Cicero as most excellent (*Pro Sestio*, c. 64), and it continued to be the fundamental law on this matter in the Imperial time. It is difficult to state exactly what it contained, as the title in the *Digest* (48, tit. 11) which treats of this law contains some things of a later date than B.C. 59. It was a very comprehensive enactment, for Cicero (*Ad Fam.* viii. 8. 3) quotes a passage from the hundred and first chapter. It contained many of the provisions of former laws on the subject and also many new regulations.

The law declared that neither a *magistratus* nor any person employed in any public capacity should take money, of course in any irregular way. It seems that the expression in the *Digest* (*vel cum ex cohorte cujus eorum est*), which would comprehend all persons immediately employed about a *magistratus*, was not in Caesar's law, because Pompeius afterwards (B.C. 55) proposed in the Senate (*Cic. pro Post. Rabirio*, c. 6)

³ Rein, *Das Criminalrecht der Römer*, p. 623, 1844.

that tribunes, praefecti, scribae, and all those who were about a magistratus (comites), should be bound by this law, and the Senate rejected the proposal.

The law declared what a governor or other person holding an office or accompanying such a person, should be entitled to demand from the people on his journey or in the province, as we learn from Cicero (*Ad Atticum*, v. 10 and 16). Cicero enumerates some of these things, such as hay for the beasts, firewood, beds and lodging rooms. Horace (1 *Sat.* 5. 46) mentions firewood and salt as supplied to his party. Women were not allowed to accompany a governor, which was an old rule (vol. ii. 171, *Sueton.* Aug. c. 24). Under the empire it was said it was better for a proconsul to be without his wife; but he might take his wife with him under the condition laid down by a *senatus consultum* in the consulship of Cotta and Messalla, that if the wives of those who go abroad in the public service commit any offence, the husbands must be answerable for it (*Dig.* 1. 16. 4, § 2). He was not allowed to demand crown gold (*aurum coronarium*, gold for crowns), until the Senate had allowed him a triumph; nor was he permitted to engage in trade. The law also confirmed the old rule (*Lex Claudia*, *Livy*, 21, c. 63) which forbade a senator to own a sea-going ship (*Dig.* 50. 5. 3). The governor could not demand from the provincials any thing beyond what was fixed by law or usage, such as supplies of grain or the money payments which might be made in place of the grain. He could not sell any kind of privileges, nor arbitrarily take them away; nor increase the toll duties (*portoria*). The old rule which forbade a governor to accept presents was enacted anew. In the *Digest* (i. 18. 18: the eighteenth title treats *De Officio Praesidis*) it is declared that a governor must not accept any present, except it was either food or drink, and such as must be immediately consumed; and reference is made to a *Plebiscitum* which contained this prohibition.

It was the old practice for a governor to deliver the accounts of his administration, when he returned to Rome; but he was required by this *Lex Julia* to make them up in the province, and to furnish three copies, one for the treasury at Rome, and one for each of the two chief towns in his province (*Cicero*,

Ad Att. vi. 7, v. 20, and Ad Fam. ii. 17). Some writers have supposed that this regulation was contained in a Julia Lex de Provinciis, but no sufficient reason can be given why it should not have formed a part of this comprehensive enactment De Repetundis.

A magistrate was forbidden from going beyond the limits of his province, and meddling with matters which did not relate to his administration. The purpose of this rule was probably to prevent him from making war or disturbing his neighbours for his own interest. It was also provided that a governor should not allow his legatus to leave the province before himself (Dig. 1. 16. 10, § 1); and the rule of the imperial period, which required him to wait till the arrival of his successor, may also have been contained in the Julian law.

The law contained provisions against corruption generally (De Lege Julia Repet. tit. 11. 3. 6). Any person, who had any office of authority (*potestas*), and received money either for doing or not doing any judicial act, was liable to the penalties of the law; also any person who received money for giving evidence or not giving evidence; also any person who received money either for accepting or discharging a soldier, or for giving his opinion in the Senate or in a "*consilium publicum*," whatever that may mean, or for prosecuting any person or not prosecuting. In order that the magistrates in the city might be free from all corruption, it was enacted that they must not receive during their year of office any gift of more value than one hundred gold pieces. This seems to mean any gift from any person, for any gift received in respect of a man's discharge of his office would be illegal.

The penalties of this law were, as before, fourfold restitution of the amount of that which had been wrongfully taken; and if the person convicted was not able to pay all, any person might be called on to contribute into whose hands any of the money which had been wrongfully taken could be traced (*ad quos ea pecunia pervenerit*, Cic. Pro Rabirio Post. c. 4). The convicted man, if he was a senator, must be expelled from the Senate, and go into exile. He was disqualified from giving evidence, any where we may suppose, and from acting as a *judex*. If he went into exile, he would of course be

incapacitated from doing most legal acts within those limits from which his sentence excluded him.

Cicero also mentions some Julia Lex which fixed the duration of "legationes liberae" (p. 271); but this rule may have been contained in the Lex Julia de Repetundis. Indeed it is very unlikely that there was a Lex on such a subject; and when Cicero says (Ad Att. xv. 11. 4), "I think the duration of these 'liberae legationes' is fixed by a Julia Lex," he might very well say so, if the rule was contained in a comprehensive enactment like the Lex Julia de Repetundis.

CHAPTER XXI.

P. CLODIUS AND CICERO.

B.C. 58.

CICERO wrote to his brother Quintus a letter (Ad Q. Fr. i. 2) some time between the twenty-fifth of October B.C. 59 and the tenth of December. Quintus, as Cicero supposes, would be leaving his province of Asia about the date of this letter. Cicero informs his brother, that if Clodius brings him to trial, all Italy will combine to help him; and if Clodius shall attempt to use force, he expects with the aid of his friends and others to be able to resist. Every body promises him support, and even money. His old friends, the better sort (*boni*), are full of zeal and affection; and those who hitherto may have been somewhat averse or indifferent, are now united to the better class through hatred of "these kings."—"These kings" are of course the three confederates, Caesar, Pompeius, and Crassus.—But he immediately adds: "Pompeius and Caesar promise every thing; but I trust them only so far as not to relax in my preparations to meet the danger. The tribunes elect are friendly to me. The consuls (elect), Piso and Gabinius, show the best disposition. As to the praetors, the most friendly and most energetic are Domitius, Nigidius, Memmius, Lentulus; others also are well disposed, but these particularly so. Wherefore I would have you to be of good cheer and to hope for the best." The next letter to Quintus (i. 3) is dated the thirteenth of June B.C. 58, from Thessalonica, where Cicero was an exile.

On the first of January B.C. 58 Caesar was still in Rome,

waiting to see what his enemies would do. The praetors, C. Memmius and L. Domitius, whom Cicero has just mentioned, made a motion in the Senate about Caesar's measures in his consulship, and Caesar himself proposed that the Senate should give their judgment on the matter; but the Senate refused, and after three days' fruitless altercation, Caesar went off to his province, as Suetonius says (Caesar, c. 23). But he only left the city, and he stayed near it for some time. Caesar's quaestor in his consulship was attacked next in the hope that, if he were convicted, the result might lead to Caesar's condemnation: but as nothing more is said, we conclude that this business went no further. Soon after, Caesar himself was charged by the tribune L. Antistius, but an appeal was made to the college of tribunes, and the appeal was allowed, for as Caesar was out of Rome on the public service, he was protected by the *Lex Memmia* and could not be brought to trial (vol. i., p. 343). It was an idle, impotent effort to attack a man whose father-in-law was consul, and whose interests would be looked after in his absence by his fellow confederate and son-in-law, the conqueror of the East. But Caesar had still stronger support in the tribune P. Clodius, who commanded the rabble of Rome, and now brought forward four bills, which prepared the way for getting rid of the man who more than any other could disturb, if he chose, what Caesar had done in his consulship (Dion, 38, c. 12, 13).

The *Compitalitii Ludi* fell in this year on the first of January, on which day L. Piso and Aulus Gabinius entered on the consular office. The celebration of these games had been stopped by a *senatus consultum* of B.C. 64; and an attempt to revive them in B.C. 61 had been prevented by Q. Metellus Celer, consul elect, though a tribune had encouraged the managers (*magistri*) to celebrate the games in spite of the *senatus consultum*. There was one Sextus Clodius, who was very intimate with P. Clodius, and he was the captain of all the turbulent citizens in the tribune's pay. It is not known what other connection there was between the two men. Sextus opened the year by celebrating these games in spite of the opposition of the tribune L. Ninnius, and the

consuls made no opposition. He also made himself useful to Clodius in preparing his bills.

At the close of B.C. 59, when Bibulus had come forward to take the usual oath of having done his duty and also with the intention of saying something on the state of public affairs, Clodius stopped him speaking, in the same way as Cicero had been stopped on a similar occasion. The next measure of Clodius was the introduction of his bills.

The first was a *Lex Frumentaria* or *De Annona*, for the relief of the poor citizens of Rome. The law of C. Gracchus (vol. i., p. 261) established the practice of grain being supplied to the citizens by the State at a low price; and the tribune Saturninus attempted to renew or modify it, though it does not appear why this was necessary (vol. ii. 114). The law of Clodius enacted that the grain should be given, instead of being sold, and of course it was, as Asconius says (In Pis., p. 1, ed. Orelli), a very popular measure. The price at which the grain was fixed by the law of Gracchus was six and one-third Asses the modius, and not five-sixths of an As, as some critics suppose; for to sell grain at so low a price would be almost the same as giving it, and Cicero, when he is speaking of the law of Clodius, could not say with any show of truth (*Pro Sestio*, c. 25) that the remission of this small price would cost the State one-fifth of the public income. This pestilent measure produced the necessary consequences: it attracted to Rome from all parts of Italy lazy mendicants, and drew men away from agriculture to rely on the allowances that were given in the city. In modern times we find the same results. When distress is proclaimed in some parts of London, and large sums are raised to relieve those who are in want, people are drawn from a distance by the hope of sharing in the bounty, and so great is the concourse of new comers that rents of lodgings rise in the midst of starvation. But Clodius must not bear all the blame of this corn law, for Cato (p. 364) had already recommended the Senate to give a monthly allowance of grain to the citizens; but this must have been only a temporary measure, or the bill of Clodius would not have been necessary.

On the fourth of January (Ascon. In Pis., p. 8) Clodius

proposed that no magistratus, when the popular assembly was summoned for business, should have power to watch the heavens; for this power enabled a magistratus to stop proceedings for the whole day if he declared that he had seen any thing. The origin of this usage may have been simply a wish to ascertain from signs whether the gods were favourable or unfavourable to what was going to be done; but, like other usages that have had a respectable origin, it was now perverted for political purposes and the frauds were so palpable that the dullest could not fail to see them. Dion's statement that Clodius proposed to get rid of this practice that he might not be hindered in his design on Cicero seems to be true. Thus were abolished the famous laws named Aelia and Fufia, if there was more than one, for it is not quite certain, which as Cicero says (*In Vatin. c. 9*) had survived the times of the Gracchi, Saturninus, Drusus, Cinna, and Sulla. In this matter too Clodius had a precedent to follow; for in B.C. 61 the Senate relieved the tribune Lurco from the obligations of the Aelia and Fufia, and Vatinius in B.C. 59 declared to the Senate that the answers of the augurs and the arrogance of their college should not stand in the way of his political measures (*In Vatin. c. 6*). The old religious foundation, on which Rome was built, was undermined and the whole edifice was ready to fall.

The third bill proposed "the restoration of the Collegia and the establishment of New Collegia," as Asconius states it; but this can hardly be true. It would only be necessary to remove the prohibition against certain classes of Collegia, and new ones might be established, as they were according to Cicero (*In Pis. c. 4*, *Ascon. p. 8*), and, as he says, composed of the dregs of the city and even of slaves. The nature of these Collegia or associations has been explained (*p. 215*). Whatever name the new associations might assume, they were associations for political purposes. The old legitimate companies or guilds, which were composed of workmen, probably derived their funds originally from the contributions of the members, and such contributions might be made even after the companies had accumulated property. These new associations of citizens, who depended partly on the allowance

of corn for their subsistence, would neither be able nor willing to contribute any thing to maintain their clubs. On the contrary, they would expect to be paid for their services by those who used them for their own purposes. Unlike political associations which are formed in modern free states for the accomplishment of some object by legal means, the new clubs had not and could not have any other purpose than to intimidate and to carry by force the measures of those who hired them. When our modern political associations, whose objects are legitimate, form large gatherings and processions, for the purpose of making what they call demonstrations, they resort to means which place them very nearly on a level with the political clubs of Rome, which had been wisely suppressed, but were now revived by a daring and impudent agitator. Such bodies of men were peculiarly dangerous in a city in which no regular armed force was maintained, and in which so far as we can see there was no efficient police, and where darkness reigned in the streets at night. Wretched indeed must have been the condition of Rome at this time during the brawls of contending factions. Cicero in his exile complains that Atticus (*Ad Att.* iii. 15. 4) allowed him to be persuaded that it was for his advantage that the bill on the *Collegia* should be enacted; the meaning of which may be, not that Cicero was persuaded by any person, but that he thought the law might be made as useful to himself as to Clodius, because he and his friends, whose support he expected but never had, might hire their partisans as Clodius would hire his. But his heart failed him, when the danger came, and he afterwards blamed Atticus for allowing him to be under such a delusion.

The fourth bill of Clodius touched the office of the censors, and according to Asconius provided that they should not omit or pass over (*praeterirent*) any man when they were constituting the Senate (*in Senatu legendo*), nor mark any man with ignominy, unless he had been charged before them and condemned by the judgment of both censors. Dion (38, c. 13) agrees with Asconius as to the bill requiring a judgment by both censors before a man could be marked with ignominy; but when he says that the bill also prevented the

censors, unless they agreed in their judgment, from removing a man from a magistracy, he has made a great mistake, for the censors never had that power. Dion's word (τέλος) can mean a magistracy, and it does not mean, so far as I know, the rank of a senator; and if so, he is wrong in what he affirms, and also in omitting one of the chief provisions of the bill. There seems to be nothing unreasonable in requiring the two censors to agree in their judgment, nor in requiring something like a trial before passing sentence, whatever the object of Clodius may have been. When Cicero tells us, as he does twice (*Pro Sest.* c. 25; *de Provinc.* c. 19), that the censorian power of marking a man with ignominy was taken away by this bill, we learn how little confidence we ought to have in his statements.

Clodius had now prepared the way for his attack on Cicero, who says, that Clodius had secured the consuls Piso and Gabinius by an agreement with them about the Provinces which they should have next year (*Pro Sestio*, c. 10. 24). Dion has told this part of the story at most length (38, c. 12—17). He charges Caesar with being the chief mover in this matter; and, as far as we can collect from the evidence, Caesar did intend in some way to remove Cicero from Rome, either by taking him to Gallia as one of his legati, or, if Cicero would not accept the offer, by driving him from Rome and using Clodius as his instrument. Cicero, says Dion, had made many enemies by his talk; and even those, whom he had successfully defended, were not sure friends, while others whom he had offended were most hostile. His arrogance and the unbridled licence of his tongue were intolerable. He wished to be thought wiser and more eloquent than all the world, and he sought this reputation rather than that of an honest man. He was an inordinate boaster, believed that nobody was his equal, both in thought and act despised every body, and could not live on fair terms with any one. He was in fact a very disagreeable odious fellow. "Accordingly," says the historian, "he was both envied and hated even by those whom he pleased;" by which Dion may mean those who approved of what he had done. This picture of the malignant historian is drawn in strong colours, but Cicero's own writings present us

with a portrait by himself which is almost as ugly. Plutarch (Cicero, c. 24—28), who is by no means unfavourable to Cicero, has given the same testimony about his vanity and unruly tongue, and the enemies that he made by his boasting and his sarcastic remarks.

Cicero was well acquainted with the design of Clodius against him as his own letters show, and he prevailed on the tribune L. Ninnius Quadratus to oppose those preliminary measures of Clodius, which have been mentioned. To prevent this opposition Clodius cajoled Cicero and promised that if no opposition were made to the bills, he would not attempt any thing against him. Having succeeded in deceiving both Cicero and Ninnius and in carrying his legislative measures, Clodius then began his indirect attack on Cicero. This story, which is Dion's, is not very probable. Plutarch, whom Dion may have used, also says that Clodius by pretending that he had no bad feeling towards Cicero stopped his fears, so that Cicero declined the office of *legatus* under Caesar, though he had sued for it since the end of Caesar's consulship (Cicero, c. 30): but we know that this statement about the office of *legatus* is not true. We have already seen what Cicero himself says (p. 448) about the bill for the establishment of the *Collegia*. However the facts may be, Clodius began his attack on Cicero by proposing a bill to this effect, that if any man had put to death a Roman citizen uncondemned, he should be laid under the interdict of water and fire (Velleius ii. 45); and though Cicero was not named, he was, says Velleius, the only person against whom the bill was directed. Appian (B. C. ii. 15) misstates the matter altogether when he says that Clodius began a criminal prosecution against Cicero for having put to death Lentulus, Cethegus and the others. If Dion's report of the bill is true, it was directed against all persons who should hereafter put a Roman citizen to death or had done so, unless the man had been previously condemned by the people in their assembly. Such a bill in fact was a condemnation of the Senate who had given the consuls in B.C. 63 extraordinary powers for the protection of the State, and had finally passed sentence on Lentulus and his associates.

Cicero saw afterwards (Ad Att. iii. 15. 5) when it was too late that the bill of Clodius did not touch him: "If," he says, "when the law was made public, I had chosen to commend it, or to take no notice of it, which would have been the proper thing, it could have done me no harm." What he saw so clearly in his exile, either fear or something else prevented him from seeing at the time.—"It was blindness," he says to Atticus, "which made me change my dress, and entreat the people, a proceeding which was detrimental to my interest, unless I had been attacked directly and by name." We learn from other authorities that Cicero did lay aside his senatorial dress, and went about in the equestrian habit, soliciting all those who had influence, both friends and enemies, and particularly Pompeius and Caesar, who not wishing to seem to have instigated Clodius deceived him each in his own way. Caesar advised Cicero to retire and thus escape ruin; and to convince Cicero that he gave this advice as a friend, he promised to employ him as a legatus, and thus give him an honourable opportunity of leaving Rome (Dion). But this statement of the historian is inconsistent with Cicero's evidence, who informs us that this offer was made the year before and he does not say that it was repeated (De Prov. Cons. c. 17; and p. 427). Pompeius, according to Dion, dissuaded Cicero from accepting Caesar's offer: he said such a withdrawal would be a flight, and he hinted that Caesar made the proposal with a hostile feeling and not for Cicero's interest. He advised Cicero to stay at Rome, to defend himself and the Senate, and to resist Clodius, who would then not be able to do any thing, and he promised to aid Cicero, as Dion's words imply. The historian's statement that Caesar and Pompeius were really of the same mind, and only wished to deceive Cicero is his own conclusion, and is hardly consistent with Cicero's evidence in his letters, for he seems to have believed, though he had some misgivings, that Pompeius was sincere. Cicero, who afterwards attempted to justify his flight from Rome, declares (Pro Sestio, c. 17) that Clodius in his popular harangues repeatedly said that Pompeius approved of his attack on Cicero, that Crassus also was his enemy, and Caesar was most hostile. Clodius,

says Cicero, affirmed that these three powerful men were his prompters and that they would assist him in his designs; that Caesar had a large army in Italy, and that the other two, though private persons, could raise an army if they chose, and Clodius affirmed that they would. Clodius did not threaten to bring Cicero to trial, but he threatened to employ force.

This oration for Sestius was delivered in B.C. 56, the year after Cicero's return to Rome. Caesar was then busy in Gallia far away: the orator had recovered his spirits, and if he ever told the truth about the cause of his running away from Rome, he told it now. He says (*Pro Sestio*, c. 18) that all this talk of Clodius was the language of an enemy, and false besides; and he asks, why then was he moved by it? His answer is this: he was not moved by what Clodius said, but by the silence of those about whom Clodius spoke; for though they had other reasons for keeping silent, yet in the midst of the general alarm their silence itself seemed to be an admission of the truth of what Clodius said. These men themselves, he adds, but he means Caesar, though he uses the plural number (*illi*), were frightened (these were the "other reasons"), because they thought that all the measures of Caesar's consulship were in danger of being rescinded; and accordingly they did not choose to make a popular tribune their enemy, and they said that their own danger concerned them more than Cicero's. So far the orator, as far as we can judge, told the truth. He goes on to say: Crassus maintained that the consuls ought to undertake the defence of Cicero; that Pompeius implored their aid, and promised, if the consuls took up Cicero's case, that he would support them as far as a private person could. Cicero also says that certain persons, his enemies of course, advised Pompeius to be on his guard, for Cicero had designs against his life, though, as Cicero adds, Pompeius certainly had no fear on that score. He concludes thus: "Further, Caesar himself, whom those who were ignorant of the facts supposed to be most hostile to me, was at the gates of Rome; he had the imperium; his army was in Italy, and in that army he had given a command to the brother of the tribune who was

my enemy." Caesar was waiting outside of Rome, but his army was not there, nor does Cicero say that it was, though the author of the spurious oration (*Quum Senatui*, c. 13) says that it was there, and some modern writers have believed him, and so contradict both Cicero and Caesar himself (*B. G.* i. 7. 10). It may be true that Clodius' brother had been appointed to a command in Caesar's army, but he is never mentioned in the *Commentaries*. Cicero knew well why Caesar was waiting at the gates of Rome, but both in his letters and his speeches he is very careful when he has occasion to speak of a man whom he never loved and always feared.

In a letter to his wife (*Ad Fam.* xiv. 3. 1) and the letter to Atticus (*iii.* 15) Cicero bitterly laments his own conduct at this critical time. If we may trust Plutarch (*Cicero*, c. 30, 31), he was insulted by Clodius and his men in the streets, when he was going about unshorn and in his equestrian dress: he was pelted with mud and stones. At first nearly all the *Equites* changed their dress as a sign of sympathy when Cicero did, and twenty thousand young men accompanied him with their hair uncut and joined in his suppliant entreaties. Publius, the son of M. Crassus, was much attached to Cicero, and he changed his dress when Cicero did, and induced the other young men to do the same (*Plutarch*, *Crassus*, c. 13). But this was not all. Cicero affirms (*Pro Sestio*, c. 11. 14; *Ad Att.* iii. 15. 7) that all Italy was in his favour: he had encouragement from all quarters. If this had been true, he was more than a match for Clodius, even if the quarrel had been fought out in the streets of Rome.

Gabinus had summoned the Senate to the temple of Concordia where Cicero had gained his triumph over Catilina's confederates. Piso, the other consul, did not choose to be present, as Cicero says (*Pro P. Sestio*, c. 11); but as we shall soon see, there may have been another reason for his absence. The *Equites* who had met in the Capitol sent a deputation to the consuls and the Senate on behalf of Cicero, and the deputation was joined by the senators Q. Hortensius and Curio the father (*Dion*). Ninnius, who all along supported Cicero, had advised the people to put on mourning as was usual in the case of great calamities. Ninnius, as we

must assume in order to make Dion's story intelligible, attempted to address the people on behalf of Cicero, but Clodius would not allow him; nor would Gabinius permit the deputation from the Equites to approach the Senate. He even banished from the city one of them named L. Aelius Lamia, whose freedom of speech offended him; which was an irregular exercise of power never heard of before (*Pro P. Sestio*, c. 12, 13). Gabinius abused Hortensius and Curio for joining the Equites; and Clodius, who had presented them to the popular assembly, as we may conjecture, on the pretence that he would allow them to speak, had men in readiness there to fall upon them with blows. A senator named C. Vibienus, who was with Hortensius, was so roughly handled that he died (*Pro Milone*, c. 14). Cicero in company of his son-in-law C. Piso now addressed himself to the consul Piso, who was a kinsman of C. Piso. The consul replied, that Gabinius was in debt; he must have a province, and he hoped to get it if he sided with Clodius. Piso further said, he complied with Gabinius' desire for a lucrative appointment, as Cicero had done in the case of his colleague Antonius: there was no use in Cicero imploring the aid of the consuls: every man must look after himself.—About two days later Clodius presented Piso to the popular assembly. Dion, who represents the consul as apparently friendly to Cicero and as having advised him to retire from the city as the only means of saving himself, says that Piso appeared before the people as soon as his health allowed, for it was not good; and this statement about Piso's health is consistent with what Cicero himself says (*In Pis.* c. 6). Piso, being asked by Clodius what he thought of the proposed bill, replied that no such savage or cruel measure pleased him, in which indirect answer he seems to have alluded to the punishment of Lentulus and the other conspirators. Cicero says that the question put was, What Piso thought of Cicero's consulship; and Piso's answer, as reported by Cicero, was to the same purpose as the answer in Dion (*In Pis.* c. 6). Gabinius was asked the same question, and so far from saying any thing in favour of Cicero, he blamed the Equites for meddling in this business. The Senate had passed a resolution, pursuant to

which they put on mourning as an expression of their sorrow for Cicero; but the consuls by an edict forbade the Senate to comply with their own resolution. The edict, as Cicero says, was an act of tyranny (In Pis. c. 8); and it was also an illegal assumption of power.

In order to obtain Caesar's opinion of his bill, Clodius held a meeting of the people outside of the gates¹. Caesar condemned the illegal proceedings against Lentulus and his associates, but he did not approve of the penalty which the bill of Clodius proposed for what had been done. He said that every body knew his opinion about the execution of the conspirators, but he did not think it right that such a law as that of Clodius should be enacted for acts now past. Crassus through his son Publius made some show of aiding Cicero, but he himself went with the crowd. Pompeius indeed did promise help to Cicero; but at different times making different pretexts, and purposely going out of the way frequently, he gave him no support. Cicero seeing this and being alarmed made again an attempt at armed resistance, and he openly insulted Pompeius; but Cato and Hortensius checked Cicero's designs for fear that a civil war might arise, and Cicero determined to leave Rome (Dion, 38, c. 17). We have no means of judging from other authorities whether we should believe what Dion says of Caesar's behaviour on this occasion: but we reject what he says of Cicero preparing armed resistance. As to Pompeius, he was visited at his Alban villa by the praetor L. Lentulus, Q. Sanga, L. Torquatus the father (consul B.C. 65), M. Lucullus, and many others, who entreated him not desert Cicero and the interests of the State. Pompeius referred them to the consuls: he would not resist an armed tribune without the authority of the Senate; if the consuls would defend the State under the sanction of a formal decree, he would take up arms (In Pis. c. 31). Plutarch reports (Cicero, c. 31) that when Cicero made his final appeal to Pompeius, he had purposely gone out of the way to his estate on the Alban hills. Cicero

¹ Dion's narrative is confused. Some critics understand him to mean that Piso, Gabinius, and Caesar gave their opinion at the same time in the Circus Flaminius. Comp. the spurious oration *Quam Senatui*, c. 6, 7.

first sent his son-in-law C. Piso to Pompeius, and then he went himself. But Pompeius did not wait to see Cicero, for he had a strong feeling of shame towards a man who had done so much for him, and he evaded meeting the suppliant by slipping out by a different door. Cicero himself admits (*Ad Att.* x. 4. 3) that on some occasion he prostrated himself at the feet of Pompeius, who did not even deign to raise him up, and only said that he could not act against Caesar's wishes; which is proof enough that Caesar had resolved that Cicero should leave Rome. The anecdote in Plutarch may not be true; or, if it is true, it must refer to another visit of Cicero to Pompeius, a visit made, it may be, after the prostration; for the man, who had thus disgraced himself once, would not shrink from further humiliation.

Cicero affirms (*Pro Sestio*, c. 24), as Dion also does for him, that he left Rome because he feared what might happen to the State if he stayed: but Cicero's own letters prove that he does not tell the truth. A braver man might have thought it prudent to retire before such a combination of enemies, but an honest man would not have retired because he was afraid, and then have said that he did it for the good of his country. Some of his friends, of whom M. Lucullus was one, advised Cicero to stay and resist; but others advised him to go, and flattered him with the hope that he would soon be recalled (*Ad Q. Fr.* i. 4. 4). Cato, Hortensius, and Cicero's own family advised a retreat. Before leaving Rome Cicero took from his house a small statue of Minerva, which he deposited in the temple of Jupiter on the Capitoline hill with an inscription "to Minerva the guardian of Rome" (*Plutarch*, *Cicero*, c. 31; *Dion*, 38, c. 17²).

² It would be tedious to examine all the passages in which Cicero speaks of being driven from Rome. His letters and his orations, particularly those *Pro Sestio* and *In Pisonem*, contain his own evidence of the ignoble intrigues of his enemies. I have tried to make it plain how Caesar acted. He was a great intriguer and very cunning, but the man's ability and his fortunes place him so high above the rest that his behaviour is the only thing in this dreary story which gives to it any interest. Drumann (*Claudii*, vol. ii.) has bestowed great pains on this matter, and has proved with evident delight from Cicero's own words what a mean part he played. But I do not think that he has made him worse than he was.

When Cicero left the city, Caesar was still at the gates of Rome (Pro Sestio, c. 18). Early in the month of April he was at Geneva (B. G. i. 6); or if this conclusion is not certain, it is at least certain that he reached Geneva some days before the thirteenth of April. Cicero therefore in all probability quitted Rome at some time before the end of March. On the very day on which he fled, the consuls Piso and Gabinius, under a bill proposed by Clodius, received the reward of their services. To Piso was assigned the province of Macedonia with Achaia, and to Gabinius the rich province of Syria. This proceeding was contrary to the Lex Sempronia, by which the Senate before the consular elections of each year named the provinces for the future consuls, who settled by lot or agreement which province each should have. On this day also Clodius presented to the Comitia a bill in the nature of a bill of pains and penalties directed against Cicero, by which bill he was interdicted the use of fire and water (De Domo, c. 18). The original bill, as we infer from the alteration which was made in it, named no limits to the interdict, but this was corrected before the bill was enacted, and the interdict was limited to four hundred miles from Rome (Ad Att. iii. 4). Within these limits Cicero could not remain, nor could any man receive him in his house. It was in fact banishment from Italy. The bill was enacted by the people in their Comitia and engraved on a bronze tablet. This measure was a Privilegium, a law enacted against a particular person. Cicero always maintained, and rightly, that it was an illegal measure. The former bill of Clodius (p. 450), which was directed against any person who had put or should put to death a Roman citizen without trial, was never enacted; at least there is no evidence that it was. When Cicero speaks of it (Ad Att. iii. 15. 5) as the "former law" (lex), he uses the word "lex," a law, as "lex" often is improperly used, in place of "rogatio," a bill. The enactment of this first law would have been useless, for the object of Clodius was only to drive Cicero away, and that was effected by the second bill, which contained his name and no other.

A book of letters to Atticus (iii.), and several letters to his wife (Ad Fam. xiv.), written by Cicero during his exile, show

the man's character in adversity. He had been compelled to yield to the lawless attacks of an audacious demagogue and the intrigues of base men. It was a hard fate to be separated from his family who were exposed to insult and danger, and to hear, as we shall see, that his property was wasted and seized by his unrelenting enemies. But the perusal of the letters changes our pity into contempt; and the contrast between insolence in prosperity and debasement in exile would be incredible, if we had not Cicero's own evidence. Atticus stayed in Rome to the end of the year labouring to do all that he could for his friend's interest, sometimes cheering him with hopes of restoration and sometimes justly rebuking his unmanly grief.

Cicero found refuge on the estate of Sica, near Vibo, though his friend ran great risk in receiving him. A letter to Atticus from this place is dated the eighth of April. His intention was to go to Melita (Malta) or to Sicily, where he was well known; but the governor C. Virgilius, though he had been on most intimate terms with Cicero, refused to receive him, through fear of Clodius, as we infer, and Cicero, being unwilling to expose Sica to any danger by remaining with him set out for Brundisium by land, for the season was unfavourable for a sea voyage (Pro Plancio, c. 40).

On the tenth of April Cicero wrote to Atticus from Thurii. The next letter is from the neighbourhood of Tarentum, in which he says that he had expected to see Atticus either at Tarentum or Brundisium, and talk with him on the state of his affairs; but this hope was now gone. He thought of crossing the sea and travelling into Asia as far as Cyzicus. Cicero reached Brundisium on the eighteenth of April, where he received letters from his friend, who urged him to visit the estate of Atticus in Epirus. But this place would be out of his road, Cicero says, and besides, it was too near some of his old enemies, among them Autronius, who was residing in those parts. Cicero stayed near Brundisium thirteen days in the gardens of M. Laenius Flaccus, who showed him hospitality in spite of the penalties of Clodius' bill. Flaccus and other members of his family placed Cicero in a good ship, which landed him safely at Dyrrhachium (Pro

Plancio, c. 41; *Ad Fam.* xiv. 3). Here he learned that Greece (this is his own expression) was full of abandoned men, from whom he had saved his country in the year 63; and as they were only a few days' distant, he set out for Macedonia to his friend Plancius before these enemies could hear of his arrival. Plancius was quaestor in Macedonia. As soon as he heard of Cicero being at Dyrrhachium, without taking his lictors, throwing aside all the insignia of his office and putting on mourning, he hurried to join his friend. The meeting was most sorrowful. Plancius, who never left Cicero by day or by night, conducted the poor broken down exile to his official residence in Thessalonica, where they arrived on the twenty-third of May, B.C. 58 (*Ad Att.* iii. 8. 1). Cicero's affectionate letter of the thirtieth of April to his wife and children from Brundisium (*Ad Fam.* xiv. 4) shows the anguish of his soul, and would excite compassion, if compassion were not overpowered by other feelings.

Dion states that in Macedonia Cicero met with one Philiscus, whom he had formerly seen at Athens. Philiscus began by asking the exile if he was not ashamed of his womanish complaints; and the conversation between him and Cicero is continued through twelve chapters. The silly writer adds that Cicero was somewhat relieved by this tedious talk.

CHAPTER XXII.

GALLIA.

THE country which was assigned to Caesar as his province is described by him thus (B. G. i. 1). Gallia, in the widest sense of the term, is divided into three parts, one part occupied by the Belgae, a second by the Aquitani, and a third by a people whom the Romans name Galli, but in their own tongue they are named Celtae. These three peoples differ in language and social institutions. The Garumna (Garonne) is the boundary between the Aquitani and the Celtae: the rivers Matrona (Marne, a branch of the Seine) and the Sequana (Seine) separate the Celtae from the Belgae. Of these peoples the Belgae are the bravest, because they are farthest removed from the way of living in the Provincia, and they are seldom visited by the traders who import things which tend to corrupt men's habits. There is another reason also. The Belgae border on the Germans, who are on the east side of the Rhine, and are continually at war with them. This is also the reason why the Helvetii are braver than the rest of the Celtae, for they are almost daily in conflict with their German neighbours, either repelling the Germans from the Helvetic territory or fighting within the German borders. That part of Gallia, which is occupied by the Celtae, begins at the river Rhone: it is bounded by the Garonne, the Ocean and the territory of the Belgae; on the side of the Sequani and the Helvetii it also extends to the Rhine. It looks to the north. The territory of the Belgae begins where that of the Celtae ends: it extends to the lower part of the Rhine;

it looks towards the north and the rising sun. Aquitania extends from the Garonne to the Pyrenean mountains and that part of the Ocean which borders on Spain. It looks in a direction between the setting sun and the north.—This description, which is more ethnographical than geographical, does not include the Roman Provincia, or the country traversed by the southern course of the Rhone and lying between the western Alps and the opposite mountain range of the Cévennes and their northern continuation. This was the provincial government which was formed in B.C. 118 (vol. i. c. xxii.).

Caesar's Gallia is bounded on the east by the Rhine, which flows from the high Alps by a course of near a thousand miles to the old outlet in the flats of Holland. From the source of the Rhine southward the boundary is the western Alps, which descend to the Mediterranean, where the river Var in the time of Augustus formed the political boundary between Italy and Gallia. Gallia lies between $42^{\circ} 25'$ and $52^{\circ} 10'$ N. lat., and between the meridians of $4^{\circ} 45'$ west of London and $9^{\circ} 40'$ east. A straight line from the mouth of the Var to the north-west part of Bretagne is about 660 miles long. A line drawn from the eastern extremity of the Pyrenees nearly due north to Paris is about 445 miles; and a line from Paris in a direction N.N.E. to Arnheim on the Rhine is 270 miles long. This huge compact mass presents to the Atlantic a coast line of more than 1200 miles; the Pyrenees form a mountain barrier on the side of Spain; and the Mediterranean coast of about 800 miles from the eastern extremity of the Pyrenees to the Var completes the southern boundary. With these natural limits, with a rich soil, a good climate, and a position between two seas, Caesar's Gallia is the best part of Europe and the finest part of the globe. It comprehended all France, except the small territory of Nice lately added, all Switzerland north of the lake of Geneva and the Valais, the south part of the kingdom of the Netherlands, Belgium, and the German possessions west of the Rhine.

At the base of the eastern Pyrenees commences a range of high land, named *Monts Corbières*, which running in a northern direction is continued in the range called *Cevenna*

by Caesar, now the Cévennes. The Cévennes form the western boundary of the basin of the Rhone. From the junction of the Isère with the Rhone the Cévennes run northward like a great wall close to the west bank of the Rhone as far as Lugdunum (Lyon), where the Rhone and the Saône unite. The range continues with a diminished elevation, parallel to the Saône, and north of the latitude of Lyon, under the name of the hills of the Charolais and the Côte d'Or, to the high plateau of Langres. The heights called the Faucilles form a communication between the plateau of Langres and the more eastern mountain range the Vosegus (Vosges), which for 170 miles runs parallel to the left bank of the Rhine between Bâle and Bingen. The high land runs from Langres in a north-west direction along the river Maas, and is continued in the heights of the Ardennes. Finally, taking a more westerly direction and sinking still lower, it terminates in Cap Gris-Nez, a few miles north of Boulogne.

The high land from the plateau of Langres to Cap Gris-Nez forms the water-shed between the streams which belong to the basin of the Rhine and the Scaldis (Schelde), and those which flow direct into the Atlantic between Cap Gris-Nez and the town of Bayonne near the mouth of the Adour. Thus the whole of Caesar's Gallia is distributed among three great river systems, that of the Schelde and Rhine which flow into the North Sea; that of the Saône and Rhone which flow into the Mediterranean; and the basins of the Seine, Loire and Garonne which run into the Atlantic.

The basin of the Saône and Rhone forms a distinct natural division of France. It is bounded on the north by the southwestern termination of the Vosges and the Faucilles; on the west by part of the mountain barrier already described; on the east by the Jura and the Alps. The Rhone rises in a glacier of the Alps and descends in a long valley to Octodurus (Martigny), where it takes a north-west course and enters the Lacus Lemannus (Lake of Geneva). Issuing from this deep lake the river passes through a great gap in the Jura mountains, and at Lyon it is joined by the Saône which comes from the north. The united stream runs south with

a rapid current as far as Arelate (Arles) where it divides into two branches which comprise the delta of the Rhone. The course of this river from the ice-fields of Switzerland to the warm coast of the Mediterranean is more than 500 miles. The basin of the Rhone, south of the lake of Geneva and south of the river's course from the lake to Lyon is the Roman Provincia, which also extended into the basin of the Garonne as far as Tolosa (Toulouse). None of Caesar's military operations except those contained in the first book were within the basin of the Rhone; nor were any within the country of the Aquitani except the short campaign of P. Crassus (B. G. iii.). Caesar's campaigns were in the country of the Belgae, and in the central part of Gallia which was occupied by the Celtae, between the Seine and the Garonne. The winter campaign of Galba (B. G. ii.) was in the valley of the Upper Rhone, a country not comprehended within the Provincia, nor in the territory of the Celtae.

The Seine rises in the high lands of Langres which with the hills of the Côte d'Or form the south-eastern boundary of the basin. The hills of Morvan connect the Côte d'Or with a tract of high land which extends along the north side of the Loire in a north-west direction as far as the neighbourhood of Orleans, and continuing still in the same direction terminates in the low hills of Perche in the antient province of Normandie. These hills of Perche are united by a line of heights, running from north to south, with another range of high land, one branch of which extends westward through the antient Bretagne, and the other continues south to the neighbourhood of Nantes near the mouth of the Loire. This line of high land which has been described as extending from the Côte d'Or nearly to Nantes forms the southern boundary of the basin of the Seine and of the secondary basins included within it: and it also forms the northern boundary of the basin of the Loire. The northern boundary of the basin of the Seine which extends from the heights of Langres to Cap Gris-Nez has been already described. The whole course of the Seine is about 470 miles, and the area of the river basin is about 26,000 square miles.

The Ligeris (Loire), the longest river of France, rises

in the Cévennes, and flows north through a narrow valley, formed on the east by the northern Cévennes, and on the west by the Monts du Forez. Another river, the Elaver (Allier), rises in the Lesora (Mont Lozère), on the north-west face of the Cévennes, and also running north in a wide and fertile valley, contained between the Monts du Forez and the Monts d'Auvergne, joins the Loire near Noviodunum (Nevers). The Monts d'Auvergne, those of the Limousin, the hills of Poitou and the plateau of Gâtine terminating in the north-west near the mouth of the Loire, form the southern boundary of the basin of the Loire and the northern boundary of the basin of the Garonne. The Loire, after the junction of the two streams, flows past Orleans and enters the Atlantic below Nantes after a course of about 530 miles. The whole surface drained by the Loire is estimated at 50,000 square miles, which is more than the area of England. An immense body of water sometimes descends from the central mountains and does great damage in the middle course of the river by flooding the country.

The Garonne rises in the high valleys of the eastern Pyrenees and is swelled by numerous streams, the largest of which the Duranius (Dordogne) descends from Mont Dor and the central mountains of the Auvergne. The junction of the Garonne and the Dordogne form the wide estuary of the Gironde which flows into the Atlantic. The basin of the Garonne is bounded on the east by the Corbières, from the eastern side of which the Atax (Aude) flows past Narbo Martius (Narbonne) into the Mediterranean. The rest of the eastern boundary is formed by the southern Cévennes, which at Mont Lozère join the mountains of the Auvergne. The basin of the Garonne is larger than that of the Seine, but less than the basin of the Loire. The basin of the Aturis (Adour) is included between that of the Garonne and the western Pyrenees. Between the estuary of the Gironde and the mouth of the Loire several streams descend to the Atlantic from the Monts du Poitou and the Gâtine. One of them, the Carantonus (Charente), has a course of 200 miles.

This large tract of country which is drained into the Atlantic is a plain with the exception of the central heights

of the Auvergne, the Cévennes, and the lower elevations which form the boundaries of the upper basins of the rivers. Part of the peninsula of Bretagne is a rugged country, but none of the heights exceed 1300 feet. This peninsula, which lies between the basins of the Seine and the Loire does not belong to either of them; nor does the peninsula of Cotentin, part of the department of La Manche, belong to the basin of the Seine. Arthur Young in his travels in France remarks that the French give the name of mountains to what we should call hills, and that the really mountainous tracts of France are only in the south. "It is four hundred miles," he observes, "south of Calais before you meet with the mountains of Auvergne." This antient volcanic region, the country of Caesar's Arverni, lies between 45° and 46° N. lat. The principal range of mountains runs through the department of Puy de Dôme from north to south. The mountain named Puy de Dôme, near Clermont Ferrand, which is a few miles from Caesar's Gergovia, is 4800 feet high. The Monts Dore further south contain still higher summits: Puy Gros is 5925 feet high, and Puy Ferrand is 6116 feet. Further south Le Plomb de Cantal, from which the department of Cantal is named, is 6090 feet high; and the Puy de Sancy, 6224 feet in elevation, is the highest summit in central France¹. From the mountains of the Auvergne, the Forez and the Cévennes there flow to the north the Allier and the Loire; to the north-west the Vienne and Cher, two great affluents of the Loire; to the west and south-west, the Dordogne, Lot, Aveyron and Tarn, affluents of the Garonne; to the east, the Ardèche and the Gard which join the Rhone; and to the south, the Hérault which enters the Mediterranean east of Narbonne.

Caesar's general remarks apply only to those parts of Gallia in which his military operations were conducted, and more particularly to the great central part of Gallia which was occupied by the Celtae. He says nothing of the country of the Aquitani nor of the Provincia, which had become Romanized to some extent. Caesar derived his knowledge

¹ These heights named Puys are clearly marked in sheet No. 166 of the map of France, published by the Dépôt de la Guerre, 1854.

of the Celtae and the Belgae from his own observation, and also from report. He also made use of the Greek writers who preceded him, such as Eratosthenes whom he names (B. G. vi. 24), and doubtless he also used Posidonius and others. Caesar himself was used as an authority by subsequent writers. Strabo in his fourth book has treated of the geography of Gallia, and Diodorus (v. 24—32) has some useful information mingled with absurd fable. The geographical compiler Pomponius Mela, and Pliny in his large work have also treated of Gallia.

In Caesar's time there were in this country very extensive forests, the largest of which was the Arduenna (Ardenne), which extended from the banks of the lower Rhine probably as far as the shores of the North Sea. The clearing of the surface of France, the work of ages, has modified the climate by making the country drier, and the mean temperature has been raised by the exposure of the soil to the solar rays, but the destruction of the forests has gone too far, and thus the soil on the hills and mountain sides not being protected by the trees has been washed away and lost². The Celtae cultivated wheat and barley, but the fig and the olive in Strabo's time only grew in the Provincia, which had the same products as Italy. As you advance north and towards the Cévennes, says Strabo, the olive and fig disappear. As to the olive, the same may be observed by a traveller who shall now go from Nismes to Clermont in the Auvergne by the common road. As he rises towards the first projecting foot (*πρόπυος*) of the Cévennes, he will see the last olive tree. Still further north, says Strabo, the grape does not easily ripen. The vine is supposed to be a native of the Provincia, which was a wine country in Caesar's time. The Galli made a drink of barley, but the Italian merchants supplied them also with wine, of which these people were inordinately fond, and would give the traders a boy for a jar of wine. These dealers penetrated into the country by the navigable streams and travelled through the level country with their carts, making great profit by their wine (Diod. v. 26).

Cattle and horses were abundant. The Galli were powerful

² The changes of climate in countries are noticed by Columella (i. c. 1).

in cavalry and better horse soldiers than infantry. Hogs and sheep were plentiful. The hogs were remarkable for their size, strength, and activity. Milk and hog's meat, fresh and salted, were the usual food. The wool of the sheep was made into cloaks. Gold was found in lumps and in the river-beds, and largely used for ornaments by men and women and also for offerings in the temples. Iron was worked near Avaricum (Bourges) in Caesar's time (B. G. vii. 22); and the iron forges of Bourges and of the Petrocorii (Perigueux) are also mentioned by Strabo. Silver was got in the country of the Ruteni (Rouergue) and also among the Gabali (the Gévaudan). Pliny (34, c. 17) says that the tinning of copper vessels was a Gallic invention. The tin was brought from Britain to Gallia (Diod. v. 24). They also used silver for plating the bits and metal ornaments of horses. If it is true, as Diodorus says, that no silver is found in Gallia, it must have been imported; but perhaps Diodorus is mistaken. In Pliny's time the country of the Gabali sent cheese to Rome, the produce of the pastures of the Lozère, and Strabo (p. 192) says that the finest hams and bacon came to the imperial city from the country of the Sequani between the Saône and the Rhine. The Cadurci, whose chief place was on the site of Cahors, manufactured linen cloth.

The reaping machine is a Gallic invention, which was used on level ground. It is described by Palladius (vii. 2), who says that by this contrivance a whole harvest was cut in a few hours (Comp. Plin. N. H. 18, c. 30). The Galli and Britanni (Pliny, 17, c. 6) introduced the practice of using marl (marga) for improving their lands, a usage which has been continued in some parts of England even to the present century.

The Galli had roads through their country, wooden bridges over the rivers, and towns defended by walls. The Veneti who occupied part of the peninsula of Bretagne had numerous strong built ships with which they navigated the Atlantic and traded to Britain. They invented or at least used iron chains for cables, which we have recently invented again and now use (Caesar, B. G. iii. 13). The houses of the Galli were built of planks and wicker-work: they were large with rounded roofs, well covered.

II h 2

Most of the remarks of the antient writers about the Galli only apply to the Celtae and to part of the Belgae. The Aquitani were different, as Strabo says, from the Celtae both in bodily appearance and language; and they resembled the Iberians, the inhabitants of the Spanish peninsula, more than the Galli. Many of the peoples included under the name Belgae were or supposed themselves to be of German stock. Probably near the boundary line there was a mixture of Germans and Galli; but there were also some Germans of pure breed within that division of Gallia which Caesar names the country of the Belgae.

• The Celtae are described as tall, with a fair complexion, and reddish hair, which they made redder by artificial means. Some shaved their beards; others wore them a moderate length. The gentlemen made their cheeks smooth, but allowed the moustache and beard to grow. The hair of the head was worn long. The women were almost as tall and strong as the men. Ammianus (xv. 12) describes the Gallic wife assisting her husband in a brawl as a most formidable fighter. Her snow-white powerful arm delivered blows mingled with kicks, like a catapult discharging missiles.

The Galli wore cloaks and trousers, called "bracae," and in place of the Roman tunic a kind of open shirt with sleeves which descended as far as the middle. The shirts, which Diodorus calls tunics, dyed of various colours, and the striped cloaks, diversified with various patterns and fastened by clasps, were evidently only used by the rich.

The arms of the Galli were a long sword fastened to the right side, and suspended by iron or copper chains. It was made for cutting only. The shields were as long as the body, some of them bearing figures of animals in bronze, made both for ornament and security, and worked with skill. They had bronze helmets with large projections from them, which made a great show; some of these projections were in the form of horns, others were representations of the heads of birds or quadrupeds. Some of the men wore coats of chain mail, and others were content to fight without, as Diodorus says, the plain meaning of which is that they did not possess coats

of mail, which only the rich would have. They had spears, which they named "lanceae," with long iron heads, and also short javelins (*matarae*) for throwing. Some used arrows and slings. They also used a shaft of wood, which was thrown without the aid of the thong or short string which the Romans named "amentum," and they cast this wooden stick farther than any other missile. It was chiefly used for killing birds.

This clever people with an inventive talent and great aptitude for learning (B. G. vii. 22) showed no political talent, if we estimate such talent by results. They had neither good government nor good morals; and they were slaves to the grossest superstition. The three great divisions of Gallia mentioned by Caesar were subdivided into numerous political communities, which Caesar designates by the Roman name "civitates." They were independent of one another unless the presence of some great danger united them for a time, or unless some state more powerful than the rest compelled the weaker states to submit. Nothing was fixed. Revolutions and what the French call "coups d'état" were common things. Those who were rich enough to hire partisans or who could secure them by a promise of future reward seized royal power, and held it as long as they could. But it was easier to seize power than to transmit it to others. The agitators and political adventurers, when things turned against them, ran off to Britannia, a country which in all ages has been the city of refuge for those who can find no other place to abide in.

A reader may collect from Caesar's commentaries the names of these Gallic states, which are said to amount to more than eighty, besides the various peoples in the Provincia who were under Roman rule. Other writers, but they are no authority on such a matter, make the number of these states much larger, and all differ in the number. In the reign of Tiberius at the time of the insurrection of Sacrovir, Tacitus (*Annal.* iii. 44) speaks of the revolt of the Treveri and Aedui, and of sixty-four Gallic states; but it is impossible to say whether this was the number of the rebellious states only, or if the writer had some other meaning. The great

altar at Lugdunum erected by all the Celtae (Γαλάται) to Caesar Augustus contained the names of the peoples, who dedicated it, sixty in number (Strabo, p. 192). But here also it is doubtful what peoples are included in the term Celtae.

Caesar's general views of the manners and institutions of the Galli are contained in a few chapters (B. G. vi. 11—20).

Among the Galli two classes only had any consideration and honour. The common sort were looked on as no better than slaves: they could not venture to do any thing and they had no voice in any matter. They were loaded with debt, or crushed by heavy taxation or oppressed by the powerful. It is not said how they became loaded with debt, but if many of them possessed small farms, we can easily understand that they were driven to borrow on mortgage from those who possessed the precious metals. If they were tenant cultivators, high rents and heavy taxes would produce debt. When the poor were in this desperate condition, all that was left was to surrender themselves to the rich, who thus acquired the same power over them that masters have over slaves.

Besides the taxes levied in the several states, whatever these taxes were, the Celtae were so far civilized or uncivilized that they levied duties on merchandise in transit on the rivers, and perhaps elsewhere. The Aedui and Sequani, who were neighbours, with the Saône between them, used to quarrel about the right to the river tolls (Strabo, p. 192). Feudal payments of this kind (péages) on navigable rivers, supposed in law to have originated in grants from kings or other sovereign lords, subsisted in France till the great revolution of 1789 (De Tocqueville, *L'ancien Régime*, p. 443). Such internal taxes still exist in France under the form of octroi, and even in England in some cases under local acts of Parliament; and generally, in this country which boasts of having free trade, people are not allowed to move about in carriages without paying a tax direct or indirect. There is no escaping the thing. The people, as Courier says, are made for the purpose of paying; but he adds "the French people in this matter are distinguished above all others, and pride themselves on paying largely and maintaining magnificently

those who take care of their affairs." The French people have been paying hard to keep their masters ever since Caesar's time and long before.

The two ruling classes were the Druids, and Knights (Equites) as Caesar names them. Strabo (p. 197) names three classes which were particularly honoured, Bardi, Vates, and Druidae. The Bardi were singers and poets; the Vates, sacrificers and students of nature; and the Druidae in addition to the study of nature cultivated ethical philosophy. Caesar (B. G. vi. 13) does not mention the Bardi and Vates, but Lucan (Pharsal. i. 447) has some vigorous verses on them. The musical instrument used by the bards was a harp.

The Druids, according to Caesar, were the ministers of religion, they superintended all sacrifices, they were the expounders of religion. A great number of young men resorted to them for instruction. The Druids also administered the law in all cases that affected both states and individuals. They were the judges in criminal matters, in disputes about successions and about boundaries. They enforced their judgments against states and private persons by excommunication, that is by excluding the disobedient from being present at sacrifices. Excommunicated persons were considered impious and wicked: no man would associate with them; they could not sue for any legal claim and they were excluded from all honours. One Druid was over all the rest and had supreme authority. On his death he who was next in rank or merit, for Caesar's words are ambiguous, succeeded to the vacant place. If several were equal, the choice was determined by the votes of the other Druids; and sometimes by an appeal to arms. In a powerful ecclesiastical establishment, independent of the state, and in fact superior to it, if the electors cannot agree to choose a head, there is nothing left but to settle the matter by a fight³.

³ There was a curious instance of the tenure of a priestly office in the temple of Diana at Aricia near Rome. The priest was a fugitive slave, who obtained the office by killing the incumbent, and held it until he was killed by another fugitive slave. Strabo, p. 239; Servius, ad Aeneid, vi. 136; Ovid, Art. Amat. i. 259; Suetonius, Caligula, c. 35.

The Druids met at a certain season of the year in a consecrated place in the country of the Carnutes, which was supposed to be the centre of all Gallia. The modern town of Chartres is a central position in the antient country of the Carnutes. To this place, says Caesar, those who have disputes come from all parts, and submit to the decisions of the Druids. It is not easy to understand how persons should come annually from all parts to this great convocation; but Caesar reports the fact. Nor is it very credible, though he reports this also as the common opinion, that the Druidical discipline was first established in Britannia and brought from Britannia to Gallia; but we may accept his statement that when he was in Gallia those who wished to be better acquainted with Druidical learning generally went to Britannia. The Veneti, who had plenty of ships and traded to the island, might carry over these scholars.

The Druids were exempt from military service: they paid no taxes like the rest of the people; they were free from all burdens. We may assume that men who had such privileges did no work and were supported by the labour of others. It appears from Caesar (B. G. i. 31) and Cicero (p. 477) that the Druids had wives. Whether the male children were brought up to the profession, we are not told. Perhaps the supply of priests was kept up from the body of the people, or at least from the wealthy class. Caesar says that young men were induced to come to the Druids by the great advantages which they possessed; some came of their own choice, and others were sent by parents and kinsmen. The teachers of course had lodgings ready for these young men, or lodgings were found for them in some way while they were at school. The youths learned by heart a great number of verses, and some continued twenty years in the course of study. The scholars did not commit to writing what they learned, though the Druids did use writing for other purposes, and they employed the Greek characters. Caesar supposes two reasons for the Druids not allowing their learning to be committed to writing: one reason was that they did not choose that the Druidical wisdom should be communicated to other persons; the other was, that their pupils should not weaken the memory by trusting to what

was written. Like some priests in our own times the Druids did not wish the laity to read sacred writings.

The Celtae doubtless derived the Greek alphabet from the Greeks of Massilia (Marseille) and other Greeks who had settled on the south coast of Gallia. The Celtic was a written language before Caesar's time. As the Celtic Druids used the Greek characters, and the Celtae went to Britain to perfect themselves in the Druidical learning of which Britain was in Caesar's time the great seat, it is a reasonable conclusion that the British Druids had a written language and that the Greek characters were used in the island before Caesar's time.

The Druids taught that souls do not perish, but after the death of human bodies pass into other human bodies, as Caesar seems to mean. Diodorus (v. 28) calls this Celtic belief, which he understood as Caesar did, the doctrine of Pythagoras, but it is not the kind of transmigration which Pythagoras taught, according to some authorities; nor is it likely, whatever may have been the opinions of Pythagoras on such a matter, that the Celtae derived any of their doctrines from him or his followers. Caesar appears to have understood the Celtic doctrine about souls to mean that every Celt believed that he should live again in some human form, and so he did not care for death and was always ready to meet it. The Druids gave instruction also about the heavenly bodies and their motions, on the magnitude of the universe and the different parts of the earth (*magnitudine terrarum*; but Caesar's meaning is rather obscure), on the nature of things and the power of the immortal gods. It was a very comprehensive course of education, if the teachers knew any thing about what they taught.

Before Caesar's arrival in Gallia there was generally a state of war: one people was attacking another or defending itself against attack. On these occasions all the knights were in arms, and every man according to his rank and wealth brought into the field as many followers and dependants as he could. The number of their retainers was the only measure of the influence and power of the knights.

All the Gallic nation was very superstitious and accordingly those who were suffering from severe disease, and those who exposed themselves to war and dangers, either sacrificed

human beings as victims or vowed such sacrifices; and they employed the Druids to manage this ceremony. The belief was that, unless the life of a man was paid for the life of a man, the immortal gods could not be appeased. There must be some blood-letting. There were solemn sacrifices of the same kind on behalf of communities. Huge figures in a human form, as it seems, and perhaps intended to represent gods, were constructed of wicker work, and the members of the colossal monsters were filled with living men. A fire was kindled below and all was consumed by the flames. Those who were detected in committing theft, robbery or other wrong were supposed to make the most acceptable offerings to the gods of the Celtae, and when such victims could not be got, innocent people were taken. But Caesar does not say how these innocent people were selected.

Caesar's information about the religion of the Celtae does not appear to be extensive. It was a kind of learning for which he had no great taste. He gives only Roman names to the Celtic gods. We know from other authorities that the chief god of the Celtae was Teut, a word which appears in various forms, Dis, Tis, and others. Caesar gives the name of Mercurius to the god whom the Celtae worship most, and so it seems that his Mercurius represents Teut or Teutates, as Lactantius (i. 21, *de falsa religione*) names him. Caesar also speaks of father Dis as the progenitor of all the Galli; but he appears to mean Pluto, and so he has made a confusion between the Roman Dis and the Gallic Dis. Caesar also speaks of a Gallic Mars or god of war, but other authorities inform us that the name of this terrible deity was Esus. When the Celtae had determined on war, they used to vow to this god the chief part of the spoil that was taken. As to what remained over, they sacrificed the animals; and the other things they brought together to one place. "Such piles of spoil," says Caesar, "may be seen in many of the Celtic states in consecrated places; and it does not often happen that either the captor dares to secrete such things, or any one else to touch them after they have been set up." The penalty for violating the rule in such a matter was the severest punishment and torture.

Caesar marks it as a characteristic distinction of the Galli that they did not allow their male children to approach them in the presence of others until they were old enough for military service; and they thought it unseemly for a boy to appear in public in the sight of his father. The rich had a contrivance for keeping their property together. Whatever the husband received from the wife as a marriage-portion, he added to it as much in value out of his own property. A separate account was kept of all this stock and the produce was preserved, that is, it was added to the capital. The part which each had contributed to this common stock and the whole increase went to the survivor. The husband had the power of life and death over wife and children. When a man of rank died, his kinsmen came together, and if there was any suspicion that he had died by foul means, the wives were put to the torture like slaves, and if their guilt was proved, they were put to death by burning and all kinds of torments. Caesar does not say in direct terms that the rich Galli had more than one wife, but it is implied in this passage. The funerals were splendid for the means which the Galli possessed. Every thing which the deceased was supposed to have valued in his lifetime was thrown into a fire, even animals. At a time somewhat further back than the memory of those who were living when Caesar was in Gallia, slaves and dependents (clients), who were known to have been beloved by their deceased masters, were burnt together after the funeral ceremony. This fact seems to show that a change had been going on in the manners of the Celts, and probably the influence of the priestly class was on the decline.

In those states which were considered to be the best constituted, there was a law with a penalty to the effect, that if any person heard any rumour or report about the state, he must convey it to a magistrate and not communicate it to any other person. It had been found by experience that rash and foolish men were alarmed by false rumours and were urged to crime, and formed designs about things of the highest importance. The magistrates concealed as much as they chose of this information which was brought to them, and communicated to the people what they thought expedient. It was not

allowed to speak of state affairs except in the "concilia" or great assemblies. Freedom of speech was in fact suppressed.

Caesar (vi. 11) observes that in Gallia there were political parties in every state, in every part of every state, and almost in every house. The leaders of these parties were those, who in the opinion of the Galli had the chief authority, and the consequence was that affairs in general were referred to the judgment of such persons, or, in other words, they possessed the power. Caesar supposes that the remote origin of such a power was in the necessity the common sort were under of looking out for protection against the nobles or the rich; for none of the men of this class allowed their dependents to be oppressed and defrauded; if they did, they lost all influence over them. There was a like division into parties all through Gallia, for the several states joined the one or the other of two factions. When Caesar entered Gallia, the Aedui were the head of one faction and the Sequani of the other (B. G. vi. 12). The country of the Aedui was between the Loire and the Saône; and the Sequani lay between the Saône, the Jura mountains, and the Rhine. In another passage (B. G. i. 31) Caesar states on the authority of Divitiacus an Aeduan, that the Aedui and the Arverni were the respective heads of the two factions. The Arverni occupied the mountain parts of Gallia west of the Loire, and their chief place was Gergovia, near Clermont Ferrand. After a long struggle for the supremacy between the Aedui and their rivals, the Arverni and Sequani hired the Germans to come to their aid. At first about fifteen thousand Germans crossed the Rhine, and as these savage men liked the Gallic country and the people's way of living, more were brought across the river; and in the spring of B.C. 58 these Germans were estimated at one hundred and twenty thousand, a number which perhaps included women and children. The Aedui and their dependent states fought several battles with the Germans, and their Gallic allies, in which the Aedui lost all their nobles, all the members of the great council, all their cavalry. Thus the Aedui, who by their own merit and through the friendship and alliance of the Roman people had been the most powerful

of the Celtae, were compelled to give their noblest citizens as hostages to the Sequani and to swear perpetual submission to their dominion. Divitiacus, a Druid, was the only Aeduan who refused to take the oath or to give up his children, and he fled to Rome to implore the aid of the Senate. The year in which he visited Rome is not stated, nor what reception he met with, but it is probable that he did not obtain what he sought. Cicero became acquainted with the Celtic priest, who professed to be acquainted with that branch of natural science which the Greeks named Physiology (*φυσιολογία*), and to foretell future events partly by augury, and partly by conjecture (Cicero, *De Divin.* i. 41).

The Sequani soon felt the consequences of having called in the foreigner. The German king Ariovistus settled in their country and took possession of one-third part of the territory of the Sequani, which was the best land in all Gallia. Caesar speaks of Ariovistus having defeated the Galli, as he names them, in a battle at a place called Magetobria or Admagetobria, and then ruling with intolerable tyranny. It is not clear whether Caesar is speaking of one of the battles in which the Aedui and their allies were defeated, or of some battle in which Ariovistus defeated the forces of the Gallic confederates including the Sequani, who may be supposed to have resisted his occupation of their land. Nor have we in Caesar any indication of the time when this battle was fought. A passage in Cicero which has been referred to before (p. 399) may lead to a fair conclusion that it was in B.C. 60, or not long before.

The history of the Helvetian movement is this (Caesar, *B. G.* i. 2—6). There was among the Helvetii a man named Orgetorix, a great noble, as he is termed by Caesar, and very rich. Being ambitious of royal power he combined (B. C. 61) with other nobles and persuaded the Helvetii to resolve on leaving their country: it would be easy, he said, with their martial superiority to subdue all Gallia; by which we must understand the country of the Celtae. Orgetorix induced the Helvetii to this resolution the more easily, as the people were desirous to get out of the narrow limits within which they were confined. On one side their territory was bounded by the

broad and deep stream of the Rhine; on a second side by the lofty range of the Jura mountains, which separated them from the Sequani; on the third side by the Lemman Lake and the Rhone which separated them from the Roman Provincia. Hemmed in by such limits this warlike race were checked in their natural propensity to invade their neighbours; and viewing their numbers and their military reputation, they thought that the country was too small for them. But there was another reason for the Helvetii wishing to leave their home, as we may collect from Caesar (B. G. i. 31). They were hard pressed on the northern and eastern frontier by the Germans who were threatening the best part of their territory.

Caesar estimates the length of the Helvetian territory at 240 Roman miles and the breadth at 180 miles. If we take the distance from the Pas-de-l'Écluse on the Rhone to the junction of the Rhine with the branch named the Aar, as the dimension which Caesar names the breadth, the reckoning will be exact. If we take as the length a line measured from Pas-de-l'Écluse to Bregenz at the southern extremity of the lake of Constanx, it will be about 230 Roman miles. We cannot tell exactly how these two lines were measured, but it is certain that the Jura formed the line, which Caesar calls the breadth, and the Rhone from Pas-de-l'Écluse to the east end of the Lemman Lake formed part of the length. Caesar says nothing of the southern boundary east of the lake, and he knew nothing of it except from hearsay. The country of the Helvetii certainly did not comprise the southern and highest parts of the modern Switzerland; but it contained all the lower parts, in which there was good land, particularly along the German frontier (c. 28). This territory was distributed into four Pagi or Cantons, which had twelve towns and four hundred villages. Caesar mentions the names of two Pagi, the Tigurinus and Verbigenus. It is conjectured that a third may have been named Tugenus (Strabo, p. 293). The name of the fourth cannot be even conjectured with any probability. Nor can we with certainty determine what parts of the country were occupied by these four Pagi; and indeed the matter is not of the slightest importance.

The Helvetii prepared for the emigration of the whole nation by getting together all the beasts of burden and waggons that they could, by sowing as much land as possible that they might have sufficient corn for their journey, and confirming peaceful relations with the neighbouring states. Two years were considered enough for the preparation, and it was determined to leave the country in the third year. Orgetorix undertook the negotiations. He persuaded Casticus, the son of Catamantaloedes, whose father had held royal power among the Sequani for many years and had received from the Roman Senate the title of friend, to seize the authority which his father once held. He also persuaded Dumnorix, who was the brother of Divitiacus and at that time held the first rank among the Aedui to attempt the same thing, and he gave Dumnorix his daughter to wife. Orgetorix showed Casticus and Dumnorix that this scheme was practicable, because he was going to have the royal power in his own state; the Helvetii, he said, were without doubt the most powerful of the Celtic nations, and he promised to secure a kingly title for both his confederates by his own wealth and his own army. The men gave their promise and their oath to one another, in full confidence that if all of them could secure royal authority, they would with the aid of three most powerful and courageous nations make themselves masters of all the country occupied by the Celtae.

Information of this conspiracy was given to the Helvetian magistrates, and they determined according to their customs that Orgetorix should be put in chains and brought to trial. The punishment for such treason was burning alive. On the day appointed for the trial Orgetorix appeared with all his kin and household to the number of ten thousand men, and with all his dependents and debtors (*clientes obaeratique*), of whom he had a great number. It was impossible to call on a man to make his defence, who was backed by such a formidable body of retainers. The Helvetian magistrates however were resolved to maintain their authority, and for this purpose were mustering men from the country, when Orgetorix died; and there was some suspicion that he put an end to himself. Caesar's story has sometimes been misunderstood. Orgetorix

was never in the power of the magistrates, he was not put in chains, nor did he die in prison.

After the conspirator's death the Helvetii still resolved to emigrate. When all was ready, they burnt their towns and villages, and all the scattered buildings: they destroyed all the grain on hand except that which they were going to take with them, in order that by cutting off the hope of return they might be ready to face any danger. All the beasts of burden or draught were taken for the waggon; and the best horses of course for the cavalry. Whatever sheep or hogs they might have, were doubtless eaten, or killed and salted. They left nothing behind. Every man was ordered to take with him three months' stock of ground corn. The Helvetii persuaded their neighbours, the Rauraci, Tulingi, and Latobrigi to burn their towns and villages also and join them in this great adventure. The Rauraci or Raurici were a people not included within the natural limits which Caesar assigns to the country of the Helvetii. A Roman colony, *Augusta Rauracorum*, was settled in the time of Augustus, and the site is now represented by *Augst* in the modern Swiss canton of *Bâle* and on the left bank of the Rhine, about six miles east of the town of *Bâle*, which is at that point of the river where the Rhine changes its western course and runs north. As we cannot find any place for the Latobrigi and Tulingi within the limits of Gallia, it is supposed that they were on the German side of the Rhine; and a mere resemblance of two modern names has led to a conjecture that the Tulingi were somewhere about *Thiengen* and *Stühlingen* in *Baden*, and the Latobrigi about *Donaueschingen* where the *Briggach* and the *Bregge* join the *Danube*.

Another people named the Boii were invited to join the Helvetii and accepted the invitation. Caesar (*B. G. i. 5*) says that these "Boii had settled beyond the Rhine," that is on the German side, "and had passed into *Noricum* and had besieged *Noreia*." This is very vague, and it is difficult to say exactly what it means. The Boii were a Gallic tribe (*Livy, v. 35*), who according to tradition crossed the Alps with the *Lingones* at an early epoch and settled in north Italy. But Caesar says that these Boii had crossed the

Rhine into Germany. If they were a part of those Cisalpine Boii, whom the Romans almost exterminated and compelled the remnant to recross the Alps at some time after B.C. 191, Caesar has expressed himself carelessly. This remnant of a brave people, when they were driven from Italy, settled among the Taurisci in Noricum, a country bounded on the north by the Danube, on the west by the Aenus or Oenus (Inn) a branch of the Danube, and on the south by the Save and the Carnic Alps. But Caesar may mean that part of the old Gallic Boii had penetrated into Germany, though others entered Italy, and that those who had settled somewhere in Germany finally wandered into Noricum not long before B.C. 58 and had assaulted the town Noreia, which some geographers suppose to be Neumarkt in Steyermark. Caesar's words imply that the Boii had failed in their attack on Noreia, and that they had no settled home when they received this invitation from the Helvetii. Caesar's sketches are always brief and rapid, and we ought not to conclude that they are inexact, because they do not satisfy our curiosity. He was not writing history; he was only writing his campaigns, and he leaves us to conjecture how the Helvetii sent a message to the Boii and how these people with their families made their way from Steyermark to Switzerland to join their kinsmen in this great emigration. There was time enough for all this to be done during the two years of preparation.

The place where the Helvetii and their companions were summoned to meet was on the north side of the Rhone between the lake of Geneva and the Jura mountains. There were (B. G. i. 6) only two ways by which the emigrants could leave this part of their country. One road lay through the territory of the Sequani by the long defile (Pas-de-l'Écluse) between the Jura and the Rhone, a path so narrow that scarcely could a single line of waggons make their way between the lofty mountains and the river, and a very small force could bar the passage. On the left bank of the Rhone opposite to the defile is the Montagne du Vuache; and between these two ranges is the gap by which the river emerges from the high plateau of Switzerland. The other and easier road lay over the Rhone into the Roman Provincia and the territory of

the Allobroges, and the river was fordable in a few places⁴. The nearest town of the Allobroges to the Helvetii was Geneva, the antient name of which is perhaps Genua, which stood on the south side of the Rhone, where, as Caesar expresses it, the Lemman Lake flows into the Rhone. A bridge over the Rhone connected Geneva with the country of the Helvetii, who expected to be able to persuade the Allobroges to allow them a passage through their territory, for they supposed that this people, who had lately rebelled against the Romans and had been reduced to submission (p. 391), were not yet well disposed to their masters; or, if the Allobroges should refuse their request, they thought they should be able to force a road. Every thing being now ready, a day was fixed for all the emigrants to assemble on the banks of the Rhone. The day was the twenty-eighth of March according to the Roman calendar at that time, and the year was the consulship of L. Piso and A. Gabinius, B.C. 58.

The news of the Helvetii intending to enter the Provincia may have reached Rome before the end of March or very early in April (p. 457); and Caesar hurrying from the city travelled as fast as he could into Gallia Ulterior and arrived at Geneva. He went all the way by land, but he says nothing of the road that he took, and for his purpose it was not necessary to say any thing. His style is as rapid as his movements. Plutarch somewhere found a statement that he reached Geneva on the eighth day (Caesar, c. 17).

⁴ "The bed of the Rhone has changed in a few places since Caesar's time. At present, according to the report of those who live along the banks, there are only fords between Russin on the right bank and the mill of Vert on the left." *Histoire de Jules César*, vol. ii., p. 47, and see plate 3 of the Atlas which accompanies the volume. The *Histoire de Jules César* contains a useful chapter (chap. 2) entitled "État de la Gaule à l'Époque de César." The writer has attempted to form an estimate of the population of Gallia in Caesar's time, but the elements on which his estimate is founded exclude Aquitania, the Provincia, and part of the country of the Belgæ; and in fact they only show that the country was populous. The passages from which this conclusion may be derived are B. G. i. 29, ii. 4, vii. 75.

END OF VOL. III.

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